



Association

Illinois

Journal of the  
Senate...  
Dec. 1, 1834.

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JOURNAL  
OF THE SENATE,

OF THE NINTH GENERAL ASSEMBLY

OF THE

STATE OF ILLINOIS,

AT THEIR FIRST SESSION, BEGUN AND HELD IN THE  
TOWN OF VANDALIA,

DECEMBER, 1, 1834.

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VANDALIA, ILL.

BY J. Y. SAWYER, PUBLIC PRINTER.

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# JOURNAL

## OF THE SENATE.

At a General Assembly of the State of Illinois, began and held at Vandalia, on Monday, the first day of December, in the year of our Lord one thousand eight hundred and thirty-four, being the first session of the ninth General Assembly of said State, the Hon. WILLIAM LEE D. EWING, Speaker of the Senate, appeared, took his seat, and called the Senate to order;

Whereupon, ALEXANDER F. GRANT, Esq. was appointed Secretary *pro tempore*, and ROBERT M. GORDON, Esq. Sergeant at Arms.

The following members appeared and took their seats, *to-wit*:

From the county of White—WILLIAM H. DAVIDSON.

From the county of Sangamon—GEORGE FORQUER.

From the county of Morgan—WALLER JONES.

From the counties of Randolph and Perry—THOMAS MATHER.

From the counties of Edwards, Wayne and Wabash—HENRY I. MILLS.

From the counties of Lawrence and Crawford—DAVID McGAHEY.

From the county of Greene—THOMAS RATTAN.

From the county of St. Clair—ADAM W. SNYDER.

From the counties of Jackson, Franklin and Washington—CONRAD WILL.

From the counties of Shelby and Macon—WILLIAM WILLIAMS.

From the counties of Pike, Hancock and Adams—ARCHIBALD WILLIAMS.

The following gentlemen presented certificates of their election as Senators, in the present General Assembly, were qualified, and took their seats, *viz*:

From the county of Gallatin—WILLIAM J. GATEWOOD.

From the counties of Hamilton and Jefferson—LEVIN LANE.

From the counties of Vermilion, Champaigne and Iroquois—  
**JOHN W. VANCE.**

From the counties of Clark, Edgar and Coles—**LUNSFORD R. NOEL.**

From the county of Morgan—**WILLIAM THOMAS**

From the counties of Montgomery, Bond and Macoupin—  
**LARKIN CRAIG.**

From the county of Sangamon—**EDMUND D. TAYLOR.**

From the counties of Jo Daviess, Cook, La Salle, Putnam and Peoria—**JAMES W. STEPHENSON.**

From the counties of Pope and Johnson—**JAMES A. WHITESIDE.**

From the county of Madison—**CYRUS EDWARDS.**

From the counties of Schuyler, Fulton, Knox, Calhoun, McDonough and Warren—**GEORGE W. P. MAXWELL.**

From the counties of Union and Alexander—**JOHN S. HACKER.**

From the counties of Monroe and Clinton—**BENJAMIN BOND.**

On motion of Mr. Mather, it was

*Resolved*, That the Senate now proceed to the election of a Secretary; and thereupon,

The Senate proceeded to vote for Secretary as follows, to-wit:

Those who voted for Leonard White, are,

Messrs. Thomas, Edwards, Bond, Hacker, Whitesides, Gatewood, Vance, Lane, Williams, Mather, Will, Davidson, Mills, Jones, and Mr. Speaker,—15.

Those who voted for James Evans, are,

Messrs. Stephenson, Taylor, Craig, Noel, Maxwell, Snyder, McGahey, Forquer, Williamson and Rattan,—10.

And thereupon, Leonard White having received a majority of the votes given, was declared duly elected Secretary of the Senate of the ninth General Assembly of the State of Illinois.

On motion,

The Senate then proceeded to the election of an Enrolling and Engrossing Clerk, when the vote stood thus,

Those who voted for Mr. Hogan, are,

Messrs. Thomas, Edwards, Gatewood, Vance and Mather.—5.

Those who voted for Mr. Flood, are,

Messrs. Stephenson, Maxwell, Williams, Jones, Forquer and Rattan.—6.

Those who voted for Mr. Boone, are,

Messrs. Craig, Lane, Will and Taylor.—4.

Those who voted for Mr. Case, are,

Messrs. Bond, Hacker, Whiteside and Snyder.—4.

Those who voted for Mr. Prentice, are,

Messrs. Noel, Davidson, Mills, McGahey, Williamson and Mr. Speaker.—6.

No election having been made, the vote was ordered to be taken the second time, and stood as follows, to wit:

For Hogan,	-	-	-	-	-	-	5
For Flood,	-	-	-	-	-	-	7
For Boone,	-	-	-	-	-	-	3
For Case,	-	-	-	-	-	-	4
For Prentice,	-	-	-	-	-	-	6

And thereupon, no election having yet been made, the vote was ordered to be taken the third time, and stood as follows, to wit:

For Hogan,	-	-	-	-	-	-	6
For Flood,	-	-	-	-	-	-	11
For Boone,	-	-	-	-	-	-	1
For Case,	-	-	-	-	-	-	1
For Prentice,	-	-	-	-	-	-	6

No election having yet been made, the vote was ordered to be again taken, and stood as follows, viz:

For Flood,	-	-	-	-	-	-	15
For Hogan,	-	-	-	-	-	-	5
For Prentice,	-	-	-	-	-	-	3
For Boone,	-	-	-	-	-	-	2

And thereupon, Mr. Flood having received a majority of all the votes given, was declared duly elected Engrossing and Enrolling Clerk to the Senate of the ninth General Assembly of the State of Illinois.

The Senate then proceeded to the election of a Sergeant at Arms, and the vote having been eleven times taken, stood as follows, to-wit:

For Gordon,	-	-	-	-	-	-	13
For Rattan,	-	-	-	-	-	-	8
For Creath,	-	-	-	-	-	-	3
For Bennet,	-	-	-	-	-	-	1

Whereupon, Robert M. Gordon having received a majority of all the votes given, was declared duly elected Sergeant at Arms to the Senate of the ninth General Assembly of the State of Illinois.

On motion of Mr. Mather, it was

*Resolved*, That the Secretary inform the House of Representatives, that the Senate have met, elected Leonard White, Secretary, William G. Flood Engrossing and Enrolling Clerk, Robert M. Gordon Sergeant-at-Arms, and are ready to proceed to legislative business.

On motion,

The Senate adjourned until to-morrow morning 10 o'clock.

TUESDAY, December 2, 1834.

Senate met pursuant to adjournment.

Leonard White, Secretary elect, and Robert M. Gordon, the Jergeant-at-Arms elect, appeared and entered upon the discharge of the duties of their respective stations.

The Secretary of State delivered the following communication to the Senate.

DEPARTMENT OF STATE, }  
Vandalia, December 2, 1834. }

MR. SPEAKER:

I beg leave to inform you, as the presiding Officer of the the Senate, that His Excellency John Reynolds resigned the office of Governor on the 17th day of November, 1834; since which time, the duties of the Executive Department of the State of Illinois, have devolved upon and been exercised by William Lee D. Ewing, Speaker of the Senate.

I have the honor to be, Sir,

Your ob't. serv't.

A. P. FIELD,  
*Secretary of State.*

A message from the House of Representatives, by Mr. Prickett, their Clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have adopted the following Resolution, to-wit:

*Resolved*, That the Clerk inform the Senate that the House of Representatives have met, formed a quorum, elected James Semple their Speaker, David Prickett their Clerk, Ebenezer Z. Ryan their Engrossing and Enrolling Clerk, and William C.

Murphy their Doorkeeper, and are ready to proceed to Legislative business.

And he withdrew.

On motion of Mr. Edwards,

*Resolved by the Senate and House of Representatives That* a Joint Committee be appointed to wait upon the Acting Governor, to inform him that they have organized, and are ready to receive any communication which he may wish to make.

*Ordered, That Messrs. Edwards and Maxwell be the Committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.*

A message from the House of Representatives, by Mr. Prickett, their Clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have concurred with them in the Resolution, having for its object the appointment of a Joint Committee to wait upon the Acting Governor, &c., and have appointed Messrs. Rowan, Dougherty and Wyatt, the Committee on their part.

And he withdrew.

Mr. Edwards, from the Joint Committee of the two houses aspointed to wait upon the Acting Governor, and inform him of the organization of the General Assembly, reported, that they had performed that duty, and received for answer, that he would make a communication, in writing, to the two Houses, at 12 o'clock.

A message from the House of Representatives, by Mr. Prickett, their Clerk.

MR. SPEAKER:—I am directed by the House of Representatives to inform the Senate that they have adopted the following Resolution, in the adoption of which they ask the concurrence of the Senate, viz:

*Resolved by the House of Representatives, (the Senate concurring herein,) That both Houses of the General Assembly will meet in the Representative Hall, this day at 2 o'clock, P. M. and then canvass the returns for Governor and Lieutenant Governor of this Sstate.*

And he withdrew.

The question was then put upon concurring with the House of Representatives in the adoption of said Resolution. It was decided in the affirmative.

*Ordered,* That the Secretary inform the House of Representatives thereof.

On motion,

The Senate took a recess for one hour.

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The Senate met.

A message from the Acting Governor, by Mr. Field, Secretary of State.

MR. SPEAKER:—I am directed by the Acting Governor, to lay before the Senate, a communication in writing.

And he withdrew. Whereupon,

Mr. Speaker laid before the Senate the following Message from the Acting Governor, which was read, viz:

*Fellow-Citizens of the Senate,  
and House of Representatives:*

It is with the profoundest diffidence, that being thrown into the discharge of the Executive functions of the State Government, by a coincidence of extraordinary contingencies, I undertake the task in observance of established usage, to address you the ordinary communication, which official courtesy has ever recognized as due to the Legislative branch of the Government from the existing Executive. The very unusual association of occurrences, which has, for the brief period of fifteen days, devolved the high duties incident to this station, upon me, I had hoped upon first consideration would have precluded the necessity of a formal communication; but upon more mature reflection, I esteemed this duty an obligation due to your honorable body, and I, therefore, acting in deference to this impression assume the alternative, although altogether less congenial to my feelings and wishes. I am not aware that the history of our State Governments affords any exact parallel to the condition of things now existing, relative to the present administration of the Executive of this State.

It would be esteemed by your honorable body supererogation on my part, to repeat to you the contingencies which have produced this state of things. These, however, have imposed upon me the performance of duties, which could have been most willingly avoided, and were entered upon with sincere reluctance and unmingled distrust of my own abilities. But relying most confidently upon the enlightened indulgence and generous forbearance of your honorable body, allow me to offer for your consideration, a few of the topics considered of the greatest interest to our constituents.

Blessed with a salubrity of climate unsurpassed, and a fertility of soil unequaled, in the whole Valley of the Mississippi, our State is progressing with wonderful rapidity, to a most elevated station among her Western Sisters, in all the improvements derivative from wealth, population and refined society. Emigration from every state in this great and patriotic republic, is seeking its way in thousands and tens of thousands to this fair Delta of the magnificent valley. With the exception of an occasional village of provincial French, but yesterday, it was an unbroken wilderness,—a trackless waste of prairie and unsubdued forest. The beautiful rivers that wash its borders, rolled their deep tides to the ocean unknown and unadmired.

This "desert now blooms as the rose." It is the "*ultima thule*" of the emigrant's hopes and aspirations. Her rivers are the channels of her rich commerce, and the admiration of the world. The magic wand of enterprise, industry and talent, is working its wonders in the land. The Indian's wigwam has disappeared in the presence of the rich man's mansion, and the poor man's cottage. Our rich prairies are converting into luxuriant fields and pastures; and all the attendant blessings and advantages of christian civilization are ours, or to be enjoyed at our bidding. Wise legislation alone can secure the consummation of these blessings and advantages.

Among the various subjects of legislative deliberation, I esteem it my duty to call your attention to the *Criminal Code*, under the conviction that radical amendments should be made to ameliorate the rigor of its character. Throughout the whole range of legislative duties, there is none more important or which merits more profound care and attention, than a formation of a proper system of criminal jurisprudence—one which will have a due regard to the feelings of humanity, and at the same time be best calculated to repress the prevailing crimes of the age.

Good sense and sound policy dictate that the measure of punishment should be proportionate to the nature of the offence, and every system of criminal laws, not conformable to this principle, must be radically defective. Regard must be had to the degree of guilt which attaches to each crime, and the standard of punishment must be graduated accordingly; otherwise, it may happen that offences essentially different in their nature, may incur the same and both perhaps are inadequate penalties. To elevate into crimes acts which are not essentially of that character, and which may owe their origin to a thousand accidents and contingencies which neither human foresight could anticipate, nor human wisdom prevent, is repugnant to our sense of justice and humanity; and when we see acts of this kind visited with the same measure of punishment which is meted out to offences of a malignant and dangerous character, in the perpetration of which, the worst feelings of our nature are enlisted, our sense of justice totally revolts. Believing that this Code is a sanguinary body of criminal law, I submit it to your wisdom, whether many of its provisions might not be wisely and beneficially revised. The management of the police regulations of the Penitentiary, is a subject intimately allied to the just adaptation of punishment to the degree and na-

ture of offences. Permit me particularly to invite the attention of your honorable body to this latter subject.

The Financial concerns of the State merit the most anxious consideration of the legislature. They are yet laboring under the consuming paralysis inflicted upon them by the operations of the *Old State Bank* and its resulting effects, and the sooner our Treasury can be emancipated from these retarding and embarrassing influences, the greater will be the advantages and benefits to our constituents. The present debt of the State is little short \$214,000—consisting of the loan of \$100,000 made to redeem State paper, and the debts due to the “Seminary” and “School Funds.” Upon these latter debts interest is rapidly increasing. Some measures should be adopted to reinstate those funds and for their appropriate and beneficial investment.

The receipts into the Treasury during the last two years have been about \$147,000. This amount has been received from Sheriffs, from the sale of *Vandalia lots*, *Vermillion Saline lands*, *Gallatin Saline lands*, *On Account of the State Bank*, *Non-residents*, *Gallatin county Saline*, *School Fund*, *late Treasurer*, *Canal lands*, *late Treasurer Canal Commissioners*, *Seminary lands*, *Revenue Clerks*, *funded State paper and Redemption money*. The payments out of the Treasury, have been during the above period about \$146,000. These disbursements have been made in the discharge of *Warrants*, *payment of Redemption money*, *amount refunded on land redeemed*, *money refunded*, *certain contingent expenses of the State Bank*, *funded Stock redeemed and on State loan*. I am thus particular in order that the limited resources of our revenue may at once be seen, and the avenues of expenditure developed. The amount due from Sheriffs and Clerks, on the 1st of March next to the Treasury, is nearly \$36,000. This fact involves a defect in the Revenue Laws, which leaves the State with an empty Treasury, and no legitimate mode of immediate replenishment. I would take the liberty of suggesting to your honorable body, the necessity of a radical revision of some of the leading principles of those laws. I entertain the opinion that hereafter there should be no sales of non-resident lands to individuals for non-payment of taxes, but that whenever a sale becomes necessary, all land upon which the taxes and cost have not been duly paid, should be stricken off to the State; and that whenever the lands so stricken off the State, should be regularly redeemed, the redemption money should go into the *State Treasury*, and not

into the hands of speculators. It should be provided that payments should be made into the Treasury at an earlier date. It should also be provided that all sales of non-resident lands for non-payment of *Taxes*, should be made under the solemn sanction of the judgment of a court. To the want of these principles in the *Revenue Laws*, my objection is principally founded. Whatever may have heretofore been my opposition to the present mode of collecting the *Revenue*, it has now ceased, having become satisfied that in its operations it is more just and perhaps sufficiently efficient.

Something upwards of 4,500,000 acres of land are now taxable in this State. The Revenue of the State is derivable from taxation upon little more than half of the foregoing number of acres. Would it be wise policy in the Legislature, to require each county in the ratio of its taxation, to contribute to the State Treasury in order to disembarass it of its pecuniary thralldom and bankruptcy? This enquiry is submitted with all due deference to the superior wisdom of the Legislature. For more particular and satisfactory information relative to the present condition of the *State Finances*, allow me to refer your honorable body to the reports of the *Auditor* and *Treasurer*:

The aggregate expenditures of the government of this State, from the period of its creation to the 30th September, 1834, amounts to nearly the sum of \$664,000; a sum enormous in the aggregate. But when we consider the extraordinary enhancement this sum underwent by reason of the depreciation and almost valueless character of the paper of the Bank, mis-named the "*State Bank*," and the rate at which it was paid out of the Treasury in disbursement of its necessary debts, it seems no longer extravagant or too great. Some of the items which constitute this sum, are, monies paid out for public printing \$47,000. Postage on Official Correspondence \$3,000. Expended on Surveys of route of Michigan Canal \$10,000. Agent of Ohio Saline \$8,000. Contingent fund, incidental expenses and special appropriations \$93,000. Governor, Auditor, Treasurer, &c. \$70,000. Judiciary, \$118,000. Legislature, \$210,000. Penitentiary, \$17,000. &c. &c. These facts are communicated not in reference to any effect it may have on our legislation, but merely as a matter of statistical history, of which, perhaps your honorable body is as well informed as myself.

Permit me to present to the consideration of your honorable

body, the subject of the establishment of a *State Bank*. Public judgment seems to have been pronounced against the recharter of the present Bank of the United States, in such unequivocal language as to involve the establishment of such an Institution in an absolute necessity. I therefore, in my capacity of Senator, propose to offer for your consideration a project for a State Bank—which, under the administration of judicious management, will annually defray the civil administration of the State Government—pay off the principal and interest of the State Loan—reproduce the annihilated School Fund, and bring it back into being—cover all contingent defalcations—create a fund for the ultimate payment of the loan necessary to be made upon which to found the Bank, as also the annual payment of the interest thereof; and in addition to all these important *desiderata*, afford to our country, at this time, almost totally destitute of a monetary medium, a safe and approvable currency.

The affairs of the Bank of the United States have been conducted in such a manner as to create the most fearful forebodings of the momentous tending of such an institution. That it has produced all the real and unreal distress complained of in the commercial community—that it has interfered in the political elections of our country—corrupted the public press, and prostituted its legitimate purposes—thrown the gauntlets of defiance at the people of the nation—insulted them in the person of their venerable Chief Magistrate—perpetrated acts of bold and daring usurpation—violated the provisions of its charter—and the common and settled principles of law, in seizing the Government dividends upon pretence, and claim of damages in consequence of the protest of the *French Draft*—That the exasperated managers of this institution are the authors of all the partisan strife and excitement which now convulse the country—that in order to achieve its purposes, it would place the existence of our republican institutions on the issue, my mind entertains not the slightest doubt. That the policy of the administration of the General Government in relation to this Bank, has been the result of enlightened wisdom, and for the ultimate glory and preservation of the freedom of our civil institutions, I entertain as little doubt. That the firm and intrepid stand taken by the President against its recharter, has been the conclusion of an exalted and devout patriotism and love of country, I have ever believed. And constituted as the 24th Congress is, with an undiminished

majority against the re-charter of that institution, mindful of the President's views of the subject, without any reference to the inexpediency and impolicy of such a Bank, it must be absurd to remind your honorable body that it cannot be re-chartered nor another reared upon its ruins. The bills of the U. S. Bank, withdrawn from circulation, as they necessarily will be, in order to a final close of its concerns, our State will be left entirely without a known good or bad adequate currency. Hence I propose the establishment of a State Bank, founded not upon the baseless impalpable fabric of a vision--but upon a solid gold and silver reality.

The augmented population of the State—the multiplied number of organized counties as well as the increase of business in all, has long since convinced every one conversant with this Department of our Government of the indispensable necessity of an alteration in our Judiciary System, and the subject is therefore recommended to the earnest and patriotic consideration of the Legislature. The present system has never been exempt from serious and weighty objections. The idea of appealing from the Circuit Court to the same Judge in the Supreme Court, is recommended by little hope of redress to the injured party below. The duties of the circuit, too, it may be added, consume one half of the year, leaving a small and inadequate portion of time, when that required for domestic purposes is deducted, to erect in the decisions of the Supreme Court, a judicial monument of legal learning and research, which the talent and ability of the Court might otherwise be entirely competent to. In recommending to your deliberation however, the establishment of a judicial circuit system, I cannot impress too deeply upon your minds the unspeakable importance of considering maturely, apart from all party or personal considerations, the qualifications of integrity and talents for that station. In vain may Legislative wisdom be exerted in the enactment of Salutary laws if judicial integrity is wanting in the administration; and however distinguished may be the Bench for unsuspected integrity of purpose, if there be any deficiency of legal learning and appropriate talent, the rights, liberty and property of the citizen have lost the certainty of their tenure.

The time is at hand when we are required by the Constitution to provide by law for taking a Census or Enumeration of our rapidly increasing population. We have the happiness to believe, that in the early settlement of no portion of the Globe

have the indications of enterprise and industry—of intellectual ability and moral worth, been more general and unequivocal than in our beloved State. This state of things can only be preserved by the fostering influence of wise and salutary legislation; and in reference to this subject especially, the great principle, so dear to our ancestors, that representation (particularly in the popular branch of a legislative body,) and population, should be invariably and strictly proportionate, ought by no means to be departed from. To give effect to the principle, it is suggested to the wisdom of your honorable body, whether a special session in the winter of 1835-6, be not demanded.

In the absence of any aid from the United States, an appropriate fund having been provided by the concurrent appropriations of Indiana and Illinois to commence the work, it remains only for the Legislature to direct the manner of employing it, and to continue the means of the eventual consummation of the long contemplated and desirable object of improving the navigation of the Wabash River.

To improve and facilitate the means of inter-communication and transportation, is a distinguishing trait in the character of the present age, and we have the further consolation to know that at whatever costs they may have been erected, every work of Internal Improvement in the United States, has added incalculably to the wealth, population and importance of the State in which it has been located. But whatever means of wealth the undeveloped resources of our immense and fertile surface may contain—whatever of patriotism and devotion to the public weal may animate the bosoms of our citizens, (and we are surpassed by none in either respect,) it is of the last importance that our energies should be directed by enlightened judgment and comprehensive views of public measures and private duty. Their absence cannot be supplied by other qualifications, and national calamities will not fail to obscure our political firmament, when the Halls of Legislative wisdom are not sufficiently enlightened to judge of public acts and the operations of Legislation upon our social relations and system of Government. Whatever may be the effects of unwise legislation upon both or either, any evil resulting therefrom can only be avoided by the erection of suitable institutions of learning. Munificent provision has been made for the accomplishment of this object; and it is believed that the interest already accrued on the School Fund, is enough to provide a sufficiently extended system of Common Schools, for the

instruction of our children and the youth of the country, in the rudiments of a Common English Education, whilst the interest on the Seminary fund is abundantly ample for the incipient steps towards the erection of such buildings and the procurement of such further means as may be necessary to form the foundation of a College that shall be honorable to our State—flattering to our pride—and above all, eminently useful to our citizens. By the prudent use of the means within our power, the integrity of both funds may be preserved, and their increasing amount will, at no distant day, render Illinois as distinguished for the intelligence and learning of her sons, as she already is for those exuberant qualities, which she has received in such bountiful profusion from the munificent hand of her Creator.

The State House at this place, since the last apportionment of representation, is manifestly inconvenient for the transaction of public business. At the same time, I may remark that the appearance of the building is not calculated to add either character or credit to the State. No member of the Confederacy, it is believed, has appropriated so small a portion of the public funds for the erection of public buildings as Illinois. And as citizens of this young and rising Commonwealth, whatever may be our partiality for the various places spoken of as suitable for the permanent location of the Seat of Government, we ought and doubtless do feel a pride which is as laudable as it is necessary, that the State of our adoption should not, in this particular, fall so far behind the example set us by the elder as well as the younger branches of the American Republic. In the neighboring State of Indiana, the liberality and public spirit of its Legislators, has been manifested in the erection of a large and commodious as well as splendid public building; which, when completed upon the plan adopted, will scarcely be exceeded by any similar building in the Union, and will be a monument of their taste and enterprise. I would most respectfully recommend to your honorable body, that a sufficient appropriation for a new State House be made at this session, and such further measures taken as will ensure the erection and completion of a building suited to our wants and necessities.

Great and abundant as are our natural facilities of transportation and inter communication, there still remains to be consummated, a work of Internal Improvement of great national as well as local importance—a work which has long been in the

contemplation of the State, but in relation to which, from the conflicting influence of various considerations, nothing decisive has been done. But now the eyes of the Union are upon us, and we are an object of astonishment and admiration to our sister States. I need not refer more particularly to the contemplated connection of Lake Michigan and the navigable waters of the Illinois river. A bill to incorporate a company for this purpose passed the House of Representatives at the last session of the General Assembly and was barely lost in the Senate. Since that time the subject has been extensively agitated by the community, and the opinions of our constituents in favor of that measure comes to us with unbroken unanimity, and deep will be their disappointment, and abiding their denunciation, should the action of the Legislature fail of being responsive to their wishes and their interest. Of the different methods proposed of effecting this communication, the general sentiment of the community as well as the report of an able Engineer and the experience of other States, seems to be in favor of a "*Rail Road.*" The comparative cheapness of its construction—its diminished liability to get out of repair—its adaptation to use for a greater portion of the year as well as the greater facility of obtaining subscription for stock and the nature of the ground to be traversed, are among the reasons suggesting themselves to me, by which this mode of communication sustains its preference; which, in the embarrassed State of our Treasury—in the difficulties always attending the process of construction—of obtaining suitably qualified and responsible agents, and the greater economy and despatch of execution by individual companies, indicate the incorporation of a company under suitable restrictions, as the most ready and effectual method of accomplishing this highly desirable and important work—which more than any other cause is to promote our prosperity—advance our wealth and populate our territory. At no distant day, other works of Internal Improvement of equal importance to those sections of the State in which they may be located, will necessarily be constructed. The natural localities of the country indicate their positions. A connecting link of inter-communication between the waters of the Wabash river, and some point on the Mississippi, already appears to excite public attention to its importance. A Rail Road commencing at the intersecting point of the Indiana Canal, on the Wabash river, and terminating at an eligible situation on the western extremity of the State, would per-

vade a country of great fertility and unequalled adaptation to its construction. A work of Internal Improvement effecting this project, would be of incalculable advantage to a large portion of the people of this State—open a much abbreviated channel of communication to the great commercial mart of the Union—diminish the dangers of navigation and unite us in a more intimate fraternity with our sister States of Indiana and Ohio. Legislative action has already been intimated by an honorable member of the legislature. With that or any other gentleman who may propose a salutary measure upon this subject, in my character of Senator, I will co-operate with great pleasure.

Contrasting my humble abilities with the greater experience, talents and fitness of my distinguished predecessor, I felt unfeigned hesitation in entering upon the duties of the first Magistracy of the State. But the brevity of the period of my official exaltation and the recollection that at the conclusion of that brief period, I should be succeeded by one, in every qualification eminently fit for the station, and who had received a most signal manifestation of his country's favor in his election, I felt the less unwillingness to assume the performance of these important functions.

Invoking harmony upon our deliberations, and that the results may be promotive of the welfare and prosperity of our State, allow me to subscribe myself, fellow citizens of the Senate and House of Representatives,

Your most ob't. serv't.

WM. LEE D. EWING,

DECEMBER 2, 1834.

*Acting Governor.*

On motion of Mr. Thomas,

*Ordered*, That the Message be laid on the table and that one thousand copies be printed for the use of the Senate.

On motion of Mr. Gatewood,

The Senate took a recess until 2 o'clock.

Senate met at 2 o'clock.

A message from the House of Representatives, by Mr. Prickett, their Clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives, are now ready to receive them in the Hall of the House of Representatives, for the purpose of canvassing the votes given for Governor and Lieutenant Governor of this State.

And he withdrew. Whereupon,

The Honorable, the Senate, preceded by Mr. Speaker, repaired to the Representatives Hall, and proceeded to canvass the votes given for Governor and Lieut. Governor of this State, (in conjunction with the House of Representatives,) when it appeared (upon the counting the votes) from the returns of the different counties in this State, that Joseph Duncan had 17,330 votes for Governor; William Kinney had 10,224 votes for Governor; Robert K. M'Laughlin had 4,320 votes for Governor; and James Adams had 887 votes for Governor. For Lieutenant Governor, Alexander M. Jenkins had 13,795 votes; James Evans had 3,609 votes; William B. Archer had 8,573 votes; and — Webster had 69 votes; and, thereupon,

The Honorable, the Speaker of the House of Representatives, announced in the presence of both branches of the General Assembly, the several aggregate numbers of votes, and that Joseph Duncan was duly elected Governor, and Alexander M. Jenkins Lieutenant Governor of the State of Illinois, for the ensuing four years; and then, the Honorable, the Senate, repaired to their chamber.

On motion of Mr. Davidson,

*Resolved by the Senate and House of Representatives,* That a joint committee be appointed to wait upon His Excellency, Joseph Duncan, Governor, and Alexander M. Jenkins, Esq. Lieutenant Governor elect, and inform them of their election; and request that they will meet the two Houses of the General Assembly in the Hall of the House of Representatives, and there take their oaths of office.

*Ordered,* That Messrs. Davidson and Mather be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof.

A message from the House of Representatives by Mr. Prickett, their Clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have concurred with them in the appointment of a joint committee to wait upon the Governor and Lieutenant Governor elect, &c., and have appointed Messrs. Wyatt, Stuart and Gregory, the committee on their part.

On motion,

The Senate adjourned until to-morrow morning, 10 o'clock,

WEDNESDAY, December 3, 1834.

Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—The House of Representatives have directed me to inform the Senate that they have adopted the following resolution, viz:

*Resolved, by the Senate and House of Representatives,* That when the Governor and Lieut. Governor elect, meet the two Houses in the Hall of the House of Representatives for the purpose of taking the oaths required by the Constitution, the Honorable, the Judges of the Supreme Court be invited to take a seat within the bar of the Representatives' Hall, and that the Honorable William Wilson, Chief Justice, be requested to administer said oaths to those officers, respectively, in the adoption of which they ask the concurrence of the Senate.

And he withdrew.

Which resolution from the House of Representatives was then taken up; and,

On motion of Mr. Snyder,

Was amended by inserting the Honorable, the Judge of the District Court of the United States; and, on the question, shall this resolution as amended be adopted, it was decided in the affirmative.

*Ordered,* That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Davidson, from the joint committee appointed to wait upon the Governor and Lieutenant Governor, reported,

That they had performed that duty, and have received for answer, that they will meet the two Houses, for the purpose of taking the oath of office, this morning at 11 o'clock.

A message from the House of Representatives by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed by the House of Representatives to inform the Senate that they have concurred with them in the amendment of the Senate to the resolution from the House of Representatives, inviting the Judges of the Supreme Court to take seats within the bar of the Hall of the House of Representatives. And he withdrew.

The Senate adjourned until 11 o'clock, A. M.

Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Prickett, their clerk.

**MR. SPEAKER:**—I am directed to inform the Senate, that the House of Representatives are now ready to receive the Senate in the Representatives' Hall, to be present at the Inauguration of the Governor and Lieutenant Governor elect. And he withdrew.

And thereupon, the Senate repaired to the Hall of the House of Representatives, when, the Governor and Lieutenant Governor elect, having been qualified into office by the Chief Justice of the Supreme Court, the Governor delivered, verbally, to both houses of the General Assembly, the following communication.

*Gentlemen of the Senate, and  
House of Representatives:*

It is indeed with unaffected humility, and a deep sense of my incapacity for the important duties of the high office to which the voice of my fellow-citizens have called me, but with a gratitude which I can find no language adequate to express, united with a zeal which can never experience abatement in their service, that I enter upon my present duties.

Having been absent from the State a greater part of the last seven or eight years on public duties, and detained on my journey home, after my election, by the ill health of my family, I have found it impossible to possess myself with such an acquaintance with the affairs of the State, as will enable me to present such a view of them as I would wish, and which may perhaps be expected from me; but in the judgment and experience of you, gentlemen of both houses of the Legislature, I repose the fullest confidence, and from your familiar acquaintance with the wants of the people, and your patriotic devotion to the interest of our State, I look for the suggestion and adoption of such measures, as will best promote their prosperity and happiness: for the accomplishment of which I earnestly invoke the assistance of the Great Ruler of the Universe, and I pledge my most unwavering exertions, and hearty co-operation with you, in every measure calculated to accomplish it.

Illinois was the first, or among the first of the States, to adopt the humane and benevolent policy of abolishing imprisonment for debt, and the absurdity of placing misfortune upon a level with crime has never blotted our stat-

ute books. By thus depriving the heartless of the temptation and the power to persecute, under color of law, we have the satisfaction to witness a happy and prosperous community, in which every honest man, however poor, has his liberty secured to him, while the rich are comparatively free from a spirit of tyranny,—a vice that is always engendered where the law can be made an instrument of oppression. It is gratifying to observe that this liberal principle is diffusing itself and that some of our sister States have recently adopted it into their constitutions.

It appears to me that the time has arrived, when this benevolent policy might be extended still farther, by exempting from execution, (for all debts contracted after the passage of the act,) a few acres, or a lot of land, with its improvements, so long as the family shall continue to occupy them as a place of residence. Such an act would have a tendency to induce every family, however poor, to procure a permanent home, and would further tend to render our population more stationary, and to secure the families of the unfortunate against those casualties and misfortunes to which we are all liable, and which fall too frequently upon the widow and her children, at a time when their helpless and desolate situation should render them the peculiar objects of our sympathy. As such a law would be prospective no fraud could grow out of it, while all would feel the beneficial influence of rendering every family independent, and every man responsible to the society in which he lives for the proper education of his children, and the moral conduct of himself and family.

As every country is prosperous and respected in proportion to the virtue and intelligence of its inhabitants, the subject of education will doubtless again form an important part of your deliberations. The State possesses a fund devoted to this purpose, amounting to something over one hundred thousand dollars. As this amount, if invested in stocks, is too small to produce an annual income at all proportionate to the wants of the present generation, I would recommend that a system be adopted, by which the amount of this fund may be divided equally among the people, and applied to the purposes of education, which may also provide for the future division, upon the same principle, of such other sums as may hereafter be derived from the United States, on account of the three per cent. set a-part from receipt on sales of the public lands, the school sections, and such other sources as can, with propriety, be provided.

In a State like this, many parts of which are sparsely settled by people encountering those difficulties incident to the improvement of a new country, it would be wrong to think of accumulating a fund out of our present resources, for the exclusive education of future generations; while those, who are in a few years to give character to our society, and to direct the operations of our government, are permitted to grow up without the possibility of obtaining an education—that greatest of human blessings.

It becomes us to use every exertion in our power to instruct those who are immediately dependent upon us, and leave to those who come after us, the rich revenues to be derived from the lands, canals and other improvements, to form a permanent fund to carry out any plans you may now adopt for the purposes of education.

This view of the case derives force from the fact, that the general government in setting apart this fund and a portion of the public land for education, intended it as an inducement to the early settlement of the country. It would seem unjust therefore, that those who have done so much to fill the national treasury, and advance the interests of the country, should be compelled to witness a fund, intended as a reward for their labors and sacrifices, laid by for the benefit of those who may come after them.

A government like ours, controlled and carried on by the will of the people, should be careful to use all the means in its power, to enlighten the minds of those who are destined to exercise so important a trust. This, and every consideration connected with the virtue, elevation, and happiness of man, and the character and prosperity of our State, and of our common country, calls upon you to establish some permanent system of common schools, by which an education may be placed within the power, nay, if possible, secured to every child in the State. As the first establishment may from want of experience, be attended with difficulty and loss, it may be found most expedient to commence the system while the funds are small, so that when they increase, we may have acquired experience by which they may be employed more judiciously.

The State has also at its disposal, a considerable fund for the establishment and support of colleges, institutions of learning of a more liberal character, (although of less vital importance than a system of common schools, and are second only to them in importance. Nor can the inestimable value

of education be properly appreciated, until provision is made for instruction in the higher branches of literature. The subject is one whose importance will doubtless recommend it to your serious consideration.

The acts heretofore adopted by the legislature, for granting pre-emption claims to the settlers on the seminary lands, appears to me to have been passed under a mistaken view of the object and condition of the grant, and of what was due to the public and to the nation who gave them. These lands were to be selected by the State for a specific purpose. It is the duty of the legislature faithfully to carry it into effect. Pre-emption rights are given by Congress for reasons of policy, connected with the value and sale of the public lands. It is the interest of the general government, which owns a great and almost unbounded tract of wild lands, to enhance their value and expedite their sale, by inducing our enterprising citizens to go in advance of the sales, form settlements, and prepare the way for those who are more able to purchase. It should be the duty of the legislature on the contrary, faithfully to execute the trust confided to them, and to sell those lands which were given for the common benefit of our citizens, for the full value, which their quality or location may impart to them.

The present is a favorable time to commence a general system of internal improvements. Our State is comparatively in its infancy, and if roads, trackways, rail roads, and canals, are now laid out, they can be made straight between most of the important points, with very little expense and difficulty, compared with what will result, if their location is postponed until lands increase in value, and settlements are formed on roads which are now in use, or which are daily making.—When such settlements are formed, however unfavorable may be their location, or indirect their route, experience proves that it is extremely difficult to make private interests and prejudices give way to public convenience. To accomplish so desirable an object either, as it relates to the convenience, beauty, or commerce of our country, it may be expedient for the legislature to make an appeal to the justice of Congress, for a grant of the right of way and a small tract of the public lands through which all the canals and great public roads made, or authorized to be made, by the State, shall pass.

The construction of a canal from Chicago, on Lake Michigan, to the Illinois river, has long occupied the public attention; and the time has arrived, in my opinion, when a proper

respect for the interest of this, and all the States, requires that the work be commenced and completed without further delay.

It is now more than seven years since Congress made a grant of land which was then supposed to be sufficient for the construction of this canal; which canal was then, and is now, generally considered a work of greater national importance than any work of the kind that has yet been proposed to be made in our country. Such is the universal estimate of its importance by all men of intelligence, that I have no hesitation in believing that ample funds can be procured on the most favorable terms, for its speedy accomplishment. I would, therefore, suggest the propriety of reserving all the lands on the route from sale, except town sites, which it might be well to lay out into lots, and dispose of in part; and I most earnestly recommend that a loan or loans be effected, to commence the work, and after the value of the lands, so reserved, shall have been expended, I have no doubt Congress will make another appropriation to complete, or assist in completing it.

This recommendation has not been made without duly weighing its importance, and deliberately estimating the difficulties and expense which must attend it.

No one who has visited the different canals and rail roads in the United States, and compared the country through which they pass, with the fertile lands which lie between the Lakes and the Mississippi, to say nothing of the unbounded country that is washed by the twenty-five thousand miles of river and lake navigation, which this canal will unite by the shortest and most certain route that can possibly be made, can doubt that it will yield a larger profit upon its cost, in a very few years than any other work of the kind that has ever been, or can be, constructed in this country.

In commencing this great work it should be borne in mind, that its utility and success, as well as its expense, will greatly depend upon the kind of improvement that the legislature shall adopt, and upon the plan of its construction. Of the different plans proposed, I find that the board of canal commissioners and my worthy predecessors, have recommended a rail road, in which I regret that I am compelled to differ with them in opinion.

In my judgment, experience has shewn canals to be much more useful, and generally cheaper of construction, than rail roads. When well made they require less expensive repairs, and are continually improving, and will last forever; while

rail roads are kept in repair at a very heavy expense, and will last but about fifteen years. In the present case especially, a canal should be preferred, because it connects by a short and direct route, two great navigable waters, that wash the shores of most of the States and Territories of the United States and British Provinces of North America; and thus opening a commerce between the remotest parts of the continent. By using the lake as a feeder to this canal a large body of water will be turned into the Illinois river, which will improve its navigation, and by increasing the current will, probably, render its shores more healthy.

An additional argument in favor of a canal, which should justly have great weight with you, is to be found in the fact, that it puts it in the power of every farmer to carry his own produce to market, which renders him independent of that monopoly which must always control the transportation on rail roads. There appears to be but little force in the present case, in the argument commonly used in favor of rail roads; that transportation upon them is uninterrupted in winter—as this canal will be open several weeks longer in the fall and spring than either the lake or river, consequently no inconvenience can result from its closing, especially, as at that season the roads will be sufficiently good to accommodate all the traveling which will be required.

It is very desirable in the commencement of this work to lay the foundation, if possible, of a steam boat canal, as there can be no doubt that such a channel will be required in a very few years, to accomodate the commerce of this country. The New York canal already has been found at some seasons of the year, insufficient to pass the produce on its borders to market, and it is now contemplated, either to construct an other on the same route or to widen the old channel.

With such facts before us, when we consider the great superiority in point of soil, and extent of territory, of the country to be accommodated by the Illinois canal, we cannot doubt the necessity of some early period, of making it wide enough for steam boats to pass. I would, therefore, suggest the propriety of giving such a channel to that portion of the canal which lies in the valley of the Illinois and Duplaine rivers, embracing about seventy miles of the route, and which, it is believed, can be made sufficiently wide for any purpose, at very little if any additional expense. The cut through the summit level will

be most expensive, and can be widened at a future period, when it shall be found necessary.

It is no argument, either against the work, or the scale proposed, that the country is new, and parts of it comparatively unsettled. The country through which the great New York canal passes, was, at the period when that work was constructed, a wilderness, covered with a heavy growth of timber. In a few years these heavy forests have been subdued, and the country brought to a state of cultivation that is not surpassed in any part of America. Towns and cities have sprung up as if by enchantment; agriculture, and the mechanical arts are richly rewarded, and are already carried to the highest degree of perfection.

The slightest reflection upon the ease with which our prairies may be brought under cultivation, compared with the labor, expense, and delay which attend the clearing and cultivating a heavy timbered forest, must convince the most sceptical of the splendid results which will follow from the completion of a work, that will enable us to sell at an increased value, our agricultural, mineral, and other productions.

But is not merely in the ease with which farms are opened, that the superiority of the agricultural prospects of this State consist. The fertility of the soil yields a rich product; its lightness renders it easy of cultivation, while its depth almost certainly secures the prudent and industrious farmer against those vicissitudes of the season which so frequently destroys the crops in other countries.

Judging of the future by the past and present rapid improvement, which is every where in progress in our State, and estimating its future population, by the inexhaustible resources of the country, and by the flood of enterprising citizens pouring into it from every quarter of the civilized world, the imagination is lost in contemplating the millions of happy and independent people which it is destined to sustain, and whose surplus produce will scarcely find room to float upon the majestic rivers, the Mississippi and St. Lawrence, flowing to the north and to the south, which Providence, in the fullness of its beneficence, has provided on a scale only equalled by the vast country they are destined to accommodate.

An extensive commerce has grown up on several of our rivers, especially the Illinois and Wabash, which renders the improvement of their channels a subject of deep interest, and will doubtless receive a portion of your deliberations.

By the ordinance of 1787, both of these streams and the carrying places between them and the Lakes, are declared and made public highways, to be kept open for the use of all the States. In conformity with this ordinance, Congress have made large grants of land to improve the carrying places, and will doubtless hereafter extend their aid for the improvement of those noble rivers. At the late session a bill passed both houses of Congress, making a liberal appropriation in money for improving the channel of the Wabash river, which the President refused to approve, and it did not become a law; but as his opinion must have been hastily formed. I have no doubt, (as in the case of the Chicago harbor,) he will review his decision, and sign a bill should Congress again pass one for this object.

Among the great works of internal improvement now in progress, which are calculated to bind all the States of our happy Republic in the bonds of friendship and perpetual union, this State has a deep interest in the success of a rail road about to be constructed by the State of New York, along the the southern tier of counties in that State, from the Hudson river to lake Erie, and which is intended to be continued, or to form a part of a rail road from New York to the Mississippi. The corps of Engineers who have examined and surveyed this route, give the most favorable account of the practicability and cheapness of the work, and hold out great hopes of its early completion. Should it be practicable to unite with New York, Pennsylvania, Ohio and Indiana, in forwarding this great improvement, I am certain it will be your pleasure to do so.

Should you pass an act for constructing the canal between the lake and Illinois river, I would suggest the propriety of setting apart the entire revenue arising from it, for the promotion of Education. Nothing in my opinion could be so unwise, or more fatal to the purity of our government, than to have so large a sum as must eventually arise from this source, introduced into the Treasury. Men in power, having the control of such unlimited means, are too prone to acquire habits of extravagant and prodigal expenditure, and to create places for partisans and favorites, with less reference to the public interest than for the purpose of corrupting those who they can use in promoting their schemes of self-aggrandizement. Nor is it desirable that the people should be entirely relieved from the burden of supporting the government, lest they might become indifferent to its administration, careless in selecting

their officers, and less vigilant in scrutinizing their public conduct. To keep the government poor, and the people rich, is a political maxim which ought never to be forgotten by those who are charged with preserving the purity of our institutions, and jealously guarding those democratic republican principles in our constitution, which secure the rights, the power, and freedom of the People.

Should it be considered expedient to establish a bank, (a measure I cannot at present advise,) I would suggest the propriety of providing, that, in no event, should more than six per cent. per annum be divided to the stockholders, and that the stock be sold at public auction to the highest bidder, and the advance on it put into the State Treasury. Banks may be made exceedingly useful in society, not only by affording an opportunity to the widow, the orphan and aged, who possess capital without the capacity of employing it in ordinary business, to invest it in such stock; but by its use the young and enterprising mechanic, merchant and tradesman, may be enabled more successfully to carry on his business, and improve the country. But unfortunately, banks are too often established to benefit the rich speculator, with no reference to the interest and convenience of the industrious poor, which has justly excited a jealousy among the people against all banks, and should admonish us to be exceedingly careful in the first permanent introduction of them into our State.

That we should be divided in opinion on those great questions of power and public policy, which have recently divided, and which are agitating the whole nation, and threaten to shake it to its centre, is no more than is to be expected; but as none of us can claim to be perfect, we should judge charitably of the motives and lights that may influence the judgment of those with whom we may differ in opinion. In this spirit alone can we expect success, in our exertions to promote those interests which, I am certain, we all most earnestly desire.

In conclusion, permit me again to urge, that no party spirit shall be permitted to distract and interrupt our councils, or to interfere with our duties and obligations to those we represent. With proper forbearance and harmony, under the favor of that All-wise, All-mighty, and perfect Being, who directs and governs the Universe, we may hope to accomplish some good for our country, and leave unimpaired that constitution which each of us has sworn to support.

JOSEPH DUNCAN.

When the Senate returned to their chamber, where Alexander M. Jenkins, Esq. Lieutenant Governor of the State of Illinois, appeared and having been conducted to the chair, addressed the Senate as follows:

*Gentlemen of the Senate:*

Permit me to congratulate you on your safe return to the seat of Government, after having passed through a season, in which so many of our fellow citizens have fallen victims to disease. Having been elected to the office of Lieutenant Governor of the State, it becomes my duty to preside over the deliberations of this body, I now enter upon the duties of the office under embarrassments peculiar to me on such occasions; and more particularly when I see members older than myself in years and experience.

I have to regret that I do not feel more competent to the task. I must claim your indulgence and assistance in discharging the duties of Speaker.

After an election, such as we have just passed through, and having assembled here, we of necessity meet those who have been for and against us in the election. It, therefore, becomes our duty to divest ourselves of every thing like prejudice on that account, and act together for the general good of the people.

I can only say to the members of the Senate, that I have endeavored to divest myself of every thing like unkind feelings against any one, no matter what his course may have been towards me. It is my intention to discharge my duties impartially; having done this in a measure which will make me feel conscious of having done right, and having received your approbation, together with that of the people, I will have attained the height of my ambition.

On motion of Mr. Davidson, it was

*Resolved*, That the thanks of the Senate be tendered to the Honorable William Lee D. Ewing, for the impartial, able and dignified manner in which he has discharged the duties devolving upon him as presiding officer of this body.

Mr. Williamson moved the adoption of the following resolutions.

*Resolved*, That an assistant Secretary to the Secretary of the Senate is necessary to the expeditious transaction of the business of the Senate.

*Resolved*, That the Senate proceed to appoint, in the same manner as the other officers of the Senate are appointed, an assistant Secretary to the Secretary of the Senate.

Mr. Hacker moved to lay the resolutions on the table, and, On the question, shall the resolutions be laid upon the table, It was decided in the affirmative.—Yees 14, Nays 11.

Those who voted in the affirmative, are,

Messrs. Davidson, Edwards, Ewing, Gatewood, Hacker, Lane, Mather, Mills, McGahey, Thomas, Vance, Whiteside, Will and Williams.

Those who voted in the negative, are,

Messrs. Bond, Craig, Forquer, Jones, Maxwell, Noel, Rattan, Stephenson, Snyder, Taylor and Williamson.

Mr. Ewing moved for adoption the following resolution.

*Resolved*, That the Secretary of the Senate be authorized to appoint an assistant Secretary.

Mr. Forquer moved to lay the resolution on the table,

Which was decided in the affirmative.—Yees 13, Nays 12.

Those who voted in the affirmative, are,

Messrs. Bond, Craig, Forquer, Hacker, Jones, Maxwell, Noel, Rattan, Stephenson, Snyder, Taylor, Will and Williamson.

Those who voted in the negative, are,

Messrs. Davidson, Edwards, Ewing, Gatewood, Lane, Mather, Mills, McGahey, Thomas, Vance, Whiteside and Williams.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—The House of Representatives have adopted the following resolution, viz:

*Resolved, by the Senate and House of Representatives*, That a joint committee be appointed to draft a memorial to Congress on the subject of the public lands, and have appointed Messrs. Thomas, Ross and Butler, the committee on their part, in the adoption of which they ask the concurrence of the Senate.

And he withdrew.

On motion of Mr. Noel, it was,

*Resolved*, That the Public Printer be permitted to occupy a seat within the bar of the Senate, to report its proceedings.

On motion of Mr. Taylor; it was,

*Resolved*, That a select committee be appointed to draft a memorial to Congress, praying for the establishment of a Sur-

veyor General's Office for the State of Illinois.

*Ordered*, That Messrs. Taylor, Hacker and Edwards be that committee.

On motion of Mr. Edwards, it was,

*Resolved*, That the editor of the Vandalia Whig, or any person whom he may employ, be permitted to take a seat within the bar of the Senate, for the purpose of reporting the proceedings of the same.

On Motion of Mr. Thomas, the following resolution was adopted, viz:

*Resolved by the Senate*, (the House of Representatives concurring herein,) That a joint committee be appointed to draft and report joint rules for the government of the two houses.

Messrs. Thomas and Mather are appointed that committee on the part of the Senate.

On motion of Mr. Thomas, it was,

*Resolved*, That the rules adopted by the Senate at the last General Assembly be, and they are hereby, adopted for the government of the Senate during the present session, and that fifty copies thereof be printed for the use of the members of the Senate.

*Resolved by the Senate*, (the House of Representatives concurring herein,) That a joint committee be appointed to contract for the printing of the two houses during the present session.

Messrs. Gatewood, Stephenson and Taylor, are appointed on the part of the Senate.

On motion of Mr. Davidson, it was,

*Resolved by the Senate*, That three thousand copies of the Governor's Address be printed for the use of the Senate.

The resolution from the House of Representatives, having for its object the appointment of a joint committee to draft a memorial to Congress on the subject of the public lands, was taken up, and concurred in.

*Ordered*, That Messrs. Bond and Noel be the committee on the part of the Senate.

*Ordered*, That the Secretary inform the House of Representatives thereof.

The Senate then adjourned.

THURSDAY, December 4, 1834.

Senate met pursuant to adjournment.

Mr. Speaker appointed the following standing committees, viz:

*On Elections.*—Messrs. Davidson, Bond, Rattan, Lane and Noel.

*On Finance.*—Messrs. Snyder, Taylor, Mather, Mills and Bond.

*Judicary.*—Messrs. Ewing, Edwards, Gatewood, Williams and Thomas.

*On Seminaries, School Lands and Education.*—Messrs. Edwards, Hacker, Taylor, McGahey and Craig.

*On Internal Improvement.*—Messrs. Forquer, Stephenson, Vance, Jones and Will.

*On Military Affairs.*—Messrs. Maxwell, Williamson, Snyder, Noel and Davidson.

*On Salines.*—Messrs. Will, Vance, Gatewood, Whiteside and Rattan.

*On Petitions.*—Messrs. Mather, Williams, Ewing, Hacker, and Mills.

On motion of Mr. Davidson,

The following resolution was adopted,

*Resolved by the Senate,* That two thousand additional copies of the Message of William Lee D. Ewing, Esq. late Acting Governor of the State, be printed for the use of the Senate.

## RULES OF THE SENATE OF THE STATE OF ILLINOIS.

### *Duties of the Speaker.*

1. He shall take the chair every day precisely at the hour to which the Senate shall have adjourned on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2. He shall preserve decorum and order; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the Senate by any two members, on which appeal no member shall speak more than once, unless by leave of the Senate.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, to-wit:

"As many as are of opinion that (as the case may be,) say aye;" and after the affirmative voice is expressed, "As many as are of the contrary opinion say no." If the Speaker doubt, or a division be called for, the Senate shall divide. Those in the affirmative of the question shall first rise from their seats; and afterwards, those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the members in the affirmative, which being reported, he shall then name two others, one from each side, to tell those in the negative, which being also reported, he shall rise and state the division of the Senate.

5. The Speaker shall examine and correct the journal before it be read; he shall have a general direction of the hall; he shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

6. All committees shall be appointed by the Speaker, unless otherwise specially directed by the Senate, in which case they shall be appointed by ballot; and if upon such ballot the number required shall not be elected by a majority of the votes given, the Senate shall proceed to a second ballot, in which a plurality of votes shall prevail; and in case a greater number than is required to compose or complete a committee, shall have an equal number of votes, the Senate shall proceed to a further ballot or ballots.

7. In case of any disturbance or disorderly conduct in the lobby the Speaker, (or chairman of the committee of the Senate) shall have power to order the same to be cleared.

### *Of Decorum and Debate.*

8. When any member is about to speak in debate, or deliver any matter to the Senate, he shall rise from his seat and address himself to "Mr. Speaker," (not moving on the floor) and shall confine himself to the question in debate, and avoid personality.

9. If any member in speaking (or otherwise,) transgress the rules of the Senate, the Speaker shall, or any member may, call him to order; in which case, the member so called to order, shall immediately sit down, unless permitted to explain, and the Senate, if appealed to decide on the case, but without

debate. If there be no appeal, the decision of the chair shall be submitted to; if the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the Senate.

10. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

11. No member shall speak more than twice to the same question without leave of the Senate, nor more than once until every member choosing to speak shall have spoken.

12. While the Speaker is putting any question or addressing the Senate, no member shall walk out of or across the room, nor in such case, or when a member is speaking, shall entertain private discourse, nor when a member is speaking, shall pass between him and the chair.

13. Every member who shall be in the Senate when a question is put, shall give his vote, unless the Senate shall, for special reasons, excuse him.

14. When a motion is made and seconded it shall be stated by the Speaker, or being in writing, shall be handed to the Secretary, and read aloud before debate.

15. Every motion shall be reduced to writing if the Speaker or any member desire it.

16. After a motion is stated by the Speaker, or read by the Secretary, it shall be deemed in possession of the Senate, but may be withdrawn any time before decision or amendment.

17. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged, and no motion to postpone to a day certain, to commit, or postpone indefinitely, being decided shall be again allowed on the same day; and at the same stage of the bill or proposition, a motion to adjourn shall always be in order, and shall be decided without debate; and a motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and if carried shall be deemed equivalent to its rejection.

18. No person shall be permitted to smoke tobacco in the Senate chamber while in session.

19. After the Speaker has called the Senate to order on each day, there shall be no reading of newspapers or any other

documents, that do not immediately concern the business for which the Senate is convened.

20. The yeas and nays shall be taken when requested by any two members when present.

21. Every bill which may be presented by any committee or member, shall be separately considered by the Senate, and shall not be passed into a law until the same shall be read on three different days, unless in case of urgency, three-fourths of the Senate shall deem it expedient to dispense with this rule.

22. It shall be the duty of the Secretary to keep a book in which he shall seasonably record the motions, resolutions, rules and decisions of the Senate; and to do and perform all such other acts appertaining to his office as may be required of him by the Speaker of the Senate.

23. It shall be the duty of the Sergeant-at-Arms, to attend the Senate during its sitting, to execute the commands of the Senate from time to time, together with all such process issued by authority thereof, as shall be directed to him by the Speaker.

24. The following standing committees shall be appointed with leave to report by bill or otherwise.

A committee on Elections.

A committee on Finance.

A committee on the Judiciary.

A committee on Seminary, Schoollands and Education.

A committee on Internal Improvements.

A committee on Military Affairs.

A committee on Salines.

A committee on Petitions.

The Senate adjourned until to-morrow morning, 10 o'clock.

*FRIDAY, December 5, 1834.*

Senate met pursuant to adjournment.

On motion of Mr. McGahey,

Leave was given him to introduce the petition of the citi-

zens of Jasper county, requesting the organization of said county;

Which petition was referred to the committee on petitions.

A message from the House of Representatives, by Mr. Prickett, their clerk.

**MR. SPEAKER:**—The House of Representatives have adopted the following resolutions, viz:

*Resolved by the House of Representatives,* (the Senate concurring herein,) that a joint committee of both houses be appointed to prepare a memorial to Congress, praying for an appropriation, in money, to clear out the obstructions to the navigation of the Mississippi, Illinois and Wabash rivers, and have appointed Messrs. Gordon, Ficklin and Owen, the committee on their part, in the adoption of which they ask the concurrence of the Senate.

They have concurred with the Senate in the adoption of the resolution for the appointment of a joint committee to draft and report joint rules for the government of the two houses, and have appointed Messrs. Cloud, Manly and Thomas as the committee on their part.

They have also concurred with the Senate in the adoption of the resolution providing for the appointment of a joint committee to contract for the printing of the two houses during the present session, and have appointed Messrs. Dawson, Blackwell, Fithian, M'Henry and Anderson the committee on their part.

And he withdrew.

Mr. Thomas moved the adoption of the following resolution:

*Resolved,* That the committee on Elections be instructed to report a bill fixing a time for holding the next election for representatives to Congress on the first Monday in August, 1837, and for holding such elections biennially thereafter.

Mr. Mather moved to amend the resolution by inserting after the word to “enquire into the expediency of reporting,” when,

On motion of Mr. Taylor,

The resolution and amendment was laid on the table.

Mr. Mills moved the adoption of the following resolution.

*Resolved,* That the committee on Finance be instructed to enquire into the expediency of causing a part of the taxes on resident lands to be paid into the State treasury. And also, to enquire into the expediency of devising means to pay off

the debt due from the State to the School Fund, and that they report by bill or otherwise.

Mr. Thomas moved to lay the resolution on the table.

Which was decided in the negative; when,

The question recurring upon the adoption of the resolution,  
It was decided in the affirmative, and the resolution adopted.  
On motion of Mr. Stephenson,

The following resolution was adopted.

*Resolved*, That so much of the Messages of the late Acting Governor, and of his Excellency elect, as relates to the contemplated communication between lake Michigan and the Illinois river, be referred to the committee on Internal improvements.

Mr. Speaker laid before the Senate the following report of the State Treasurer, viz:

TREASURER'S OFFICE,  
*Vandalia, December, 4, 1834.* }

SIR:—In conformity with the law, requiring a biennial report from the Treasurer, I have the honor to submit to the General Assembly the accompanying statement of the transactions of this office, from 1st December, 1832, to 30th November, 1834, inclusive; which presents the monthly receipts and disbursements, and an account current, shewing on what account the receipts and payments were made, and the balance remaining in the Treasury on the last mentioned day.

All of which is respectfully submitted.

JOHN DEMENT, *Treasurer.*

The Honorable,

The SPEAKER of the Senate.

Report of Receipts and Payments at the Treasury of the State of Illinois, from 1st December, 1832, to 30th November, 1834, inclusive.

<i>Receipts.</i>	<i>Payments.</i>
1832. December, 10,235 83	1832. December, 6,876 60
1833. January, 14,580 03	1833. January, 16,940 03
“ February, 36,906 74	“ February, 10,228 60
“ March, 1,489 05	“ March, 27,133 09

## [STATEMENTS CONTINUED.]

<i>Receipts.</i>		<i>Payments.</i>
" April,	964 93	" April, 2,771 05
" May,	258 51	" May, 1,054 60
" June,	1,053 75	" June, 2,832 40
" July,	2,193 21	" July, 7,935 58
" August,	14,566 51	" August, 3,222 33
" September,	6,428 00	" September, 3,757 98
" October,	542 49	" October, 4,299 50
" November,	240 33	" November, 1,241 88
	<hr/> \$89,459 46	<hr/> \$88,293 64
1833. December,	2,958 08	1833. December, 2,194 44
1834. January,	14,341 96	1834. January, 17,524 12
" February,	973 22	" February, 1,432 10
" March,	17,963 06	" March, 6,533 64
" April,	1,791 27	" April, 4,152 37
" May	572 51	" May, 1,403 94
" June,	469 50	" June, 2,895 00
" July	3,105 53	" July, 6,389 21
" August,	7,135 07	" August, 3,033 78
" September,	81 70	" September, 4,428 39
" October,	1,569 90	" October, 1,401 59
" November,	323 11	" November, 7,095 59
	<hr/> \$51,289 91	<hr/> \$58,484 17
	<hr/> 89,459 46	<hr/> 88,293 64
	<hr/> \$140,749 37	<hr/> \$146,777 81
Amount remain- ing in Treas- ury on 30th No- vember, 1832,	5,447 14	
Amount of Re- demption mo- ney remaining in Treasury 1st December 1834,	877 56	

## [STATEMENTS CONTINUED.]

<i>Receipts.</i>	<i>Payments.</i>
Amount received during years 1833 & 1834, \$147,074 47	Amount paid during same time \$146,777 81
Amount paid during same time 146.777 81	
Balance remaining 30th November 1834, \$296 66	

JOHN DEMENT, *Treasurer.*

## JOHN DEMENT, STATE TREASURER IN ACCOUNT WITH THE STATE OF ILLINOIS.

<i>Receipts.</i>	
To amount of balance in the Treasury on 20th November, 1832,	\$ 5,447 14
To amount of taxes paid into Treasury from 30th November, 1832, to 30th November, 1834, inclusive,	42,208 41
To amount received from the sale of Vandalia lots, during the same time,	230 31
To amount received from Sheriffs during same time,	21,496 81
To amount received of School Fund during same time,	32,087 81
To amount received from State paper funded during same time,	3,790 18
To amount received for debts due the State Bank and Branches during same time,	6,893 79
To amount received from sale of Vermilion Saline Lands during same time,	11,686 71
To am't recv'd from sale of Gallatin Saline Lands during same time,	1,983 46

## [STATEMENTS CONTINUED.]

*Receipts.*

To amount received from Ohio Saline during same time,	1,163 09
To amount received from James Hall, late treasurer,	571 84
To amount received from sale of Canal lands during same time,	312 50
To amount received from sale of Seminary lands during same time,	3,215 24
To amount received from county Commissioners' Clerks,	13,158 72
To amount received from James B. Campbell, Treasurer of Ca- nal Commissioners,	1,950 00
	\$146,196 51
To this amount add redemption money remaining in Treasury on 1st December, 1834, as char- ged in Redemption account be- low,	877 96
	\$147,074 47

*Payments.*

By amount of Auditor's warrants paid from 30th November, 1832, to 30th November, 1834, in- clusive,	\$106,270 61
By amount of taxes refunded on lands redeemed during same time,	1,854 46
By amount of interest on State paper, and refunded during same time,	746 58
By amount of interest on State paper when funded, during same time,	171 08
By amount of funded stock re- deemed during same time,	16,362 33
By amount of interest on funded F	

## [STATEMENTS CONTINUED.]

<i>Payments.</i>		
stock redeemed, during same time,		44 43
By amount of interest on State paper paid into Treasury on account of State Bank during same time,		166 82
By amount of interest on loan of \$100,000 during same time,		15,090 00
By amount of State paper burned during same time,		5,897 50
By amount paid Wm. H. Brown, Levi Davis and James Whitlock, for services in settling accounts of James M. Duncan, late Cashier of State Bank,		174 00
	<hr/>	
Balance in the Treasury on 1st December, 1834		\$146,777 31
		296 66
	<hr/>	\$147,074 47

*Redemption Account.*

To balance of Redemption money in Treasury on 30th November, 1832,		50 06
To amount of Redemption money received from James Hall, late Treasurer,		878 64
To amount of Redemption money received from 30th Nov. 1832, to 30th Nov. 1834, inclusive,		6,160 92
	<hr/>	
From the same deduct the amount of Redemption money paid out from 30th November, 1832, to 30th November, 1834, inclusive,		\$ 7,089 62
		6,211 66
	<hr/>	
		\$ 877 96

JOHN DEMENT, *Treasurer.*

The reading whereof,  
On motion of Mr. Thomas,  
Was dispensed with, and ordered to lie on the table, and  
that one hundred copies be printed for the use of the Senate.

On motion of Mr. Ewing,

*Resolved*, That the Secretary of State be directed to report  
to the Senate as soon as practicable, the returns of the votes  
on file in his office polled for the different points as the permanent  
seat of government of this State, at the last general  
election.

Mr. Speaker laid before the Senate a report from the Auditor, as follows, viz:

STATE OF ILLINOIS, AUDITOR'S OFFICE, }  
Vandalia, December 4, 1834. }

The Honorable  
SPEAKER of the Senate:

SIR:—In pursuance of the law requiring a biennial report of the Auditor of Public Accounts, I have the honor of submitting the enclosed statements, numbered 1 and 2, showing the receipts and expenditures at the Treasury, during the two preceding years ending with the last day of November, 1834.

I am, very respectfully,  
JAMES T. B. STAPP,  
*Auditor.*

[No. 1.]

Total amount of Receipts and Expenditures at the Treasury, from the 30th day of November, 1832, to the 1st day of December, 1834.

<i>On what account received.</i>	<i>Amount.</i>	<i>Amount.</i>
Amount remaining in the treasury on the 30th day of November, 1832,	\$ 5,447 14	
Amount received from non-residents from the 30th of November, 1832, to the 1st day of December, 1834,	42,208 41	
Amount received from Sheriffs during same time,	21,496 81	
Amount received from the sales of Vandalia Lots,	230 81	
Amount received from the sales of Vermilion Saline Lands,	11,686 71	
Amount received from the sales of the Gallatin Saline Lands,	1,983 46	
Amount received from the Agent of the Ohio Saline,	1,163 09	
Amount received into the treasury for debts due the State Bank and branches,	6,893 79	
Amount received from the sales of Canal Lands,	312 50	
Amount received from the sales of Seminary Lands,	3,215 24	
Amount receiv'd from the Revenue clerks,	13,158 72	
Amount received from the School Fund Commissioners,	32,087 81	
Amount received from James Hall, late Treasurer,	571 84	
Amount received from James B. Campbell, late Treasurer of the Canal commissioners,	1,950 00	
Amount of State paper funded at the Treasury, including interest allowed on the same,	3,790 18	
	\$146,196 50	
To this sum add the amount of redemption money in the treasury on the 1st day of December, 1834,	877 96	
Total amount,		\$147,074 47

## [STATEMENTS CONTINUED.]

From the above sum deduct the following payments out of the treasury, viz:		
Amount of Audited Warrants paid at the treasury, from the 30th of Nov. 1832, to 1st December 1834,	\$106,270 61	
Amount of Funded Stock redeemed,	16,362 33	
Amount of interest paid on State paper and money refunded,	746 58	
Amount of interest paid on funded stock redeemed at the treasury,	44 43	
Amount of interest allowed on paper funded at the treasury,	171 08	
Amount of taxes refunded on lands sold for taxes and redeemed,	1,854 46	
Amount of State paper burned from the 30th Nov. 1832, to the 1st Dec. 1834,	5,897 50	
Amount of interest paid on the loan of \$100,000 to the 1st day of Jan. 1835,	15,030 00	
Amount of interest allowed on State paper paid into the treasury on account of the State Bank,	166 82	
Amount paid Wm. H. Brown, Levi Davis and James Whitlock, for their services in settling the accounts of James M. Duncan, late Cashier of the State bank,	174 00	
		\$146,777 81
Leaving a balance in the treasury on the 1st day of December, 1834, of		\$ 296 66

*Redemption Account.*

Amount of Redemption money remaining in the treasury on the 30th Nov. 1832,	50 06
Amount received from James Hall, late Treasurer,	878 64
Amount of Redemption money received from the 30th Nov. 1832, to the 1st of Dec. 1834,	6,160 92
	\$ 7,089 62

From this sum deduct the amount of Re-

## [STATEMENTS CONTINUED.]

demption money paid during same time,	\$ 6,211 66
Leaving Redemption money in the treasury on 1st Dec. 1834,	\$ 877 96

Amount of Audited Warrants drawn upon the Treasury from the 30th November, 1832, to the 1st day of December, 1834, for the current expenses of the State, and charged to the following accounts, viz:

<i>On what account drawn.</i>	<i>Amount.</i>	<i>Amount</i>
The General Assembly Session, 1832 and 1833,	\$ 27,790 03	
The Judiciary,	9,893 70	
The Governor,	2,128 76	
The Secretary of State,	1,829 72	
The Auditor and Clerks,	3,485 00	
The Treasurer and Clerks,	3,255 58	
The Attorney General,	616 08	
Circuit Attorneys,	1,749 44	
Special appropriations,	18,753 31	
The penitentiary,	6,161 00	
The militia,	530 00	
Appropriations for bridges,	300 00	
Appropriations for roads,	2,296 64	
Incidental expenses,	1,625 82	
State House,	575 17	
Contingent fund,	8,297 88	
Agent of the Ohio Saline	350 00	
Postage,	868 50	
Warden of the Penitentiary,	715 05	
Contingent fund for the Penitentiary,	800 00	
Interest on funded stock,	2,054 87	
Appropriation for the Wabash river,	5,000 00	
The penitentiary Inspectors,	364 00	
The counties on the Military Tract,	8,950 00	
		\$108,390 55

## [STATEMENTS CONTINUED.]

Amount of outstanding Warrants against the Treasury on the 1st Dec. 1834,	2,741 60	
To which add the amount of the School Fund Warrant against the treasury,	28,283 80	
	<hr/>	
	31,025 40	
From this sum deduct the amount of money remaining in the treasury on the 1st Dec. 1834,	296 66	
	<hr/>	
Leaving a balance against the treasury on the 1st day of Dec. 1834, of		30,728 74
The following are the sums due to the State,		
From Sheriffs, which becomes due on the 1st Monday in March next,	23,302 82	
From Clerks, which becomes due on the 1st Monday in April next,	12,502 44	
	<hr/>	
Total,	35,805 16	

STATE OF ILLINOIS, AUDITOR'S OFFICE,  
*Vandalia, December 4, 1834.* }

JAMES T. B. STAPP,

*Auditor.*

[No. 2]

A Statement of the amount drawn from the Treasury, on Account of the Contingent Fund, from the 30th November, 1832, to the 1st December, 1834.

Dolls. Cts.

To Warrants to Messrs. Whiteside and Snyder, for conveying Indian prisoners to Ottawa,	153	16
" " to Messrs. Whiteside, Moore, and Reynolds, for services in taking an account of and ascertaining the extent of the late Indian disturbances,	50	00
" " to Messrs. Hopkins, Brown and Moore, for conveying Indian prisoners to Ottawa,	104	00
" " to M. Wood, for bearing express during the late Indian War,	2	50
" " to H. Evans, for mending press for seal of State,	10	00
" " to S. & J. Francis, for printing notices &c. for raising troops in the late Indian War,	11	00
" " to John Messinger, in part, for Surveying and establishing Northern boundary line of State,	200	00
" " to Messrs. Greiner & Sherman, for printing Proclamation for Governor,	16	37
" " to John Dickerson, for repairs to Secretary's Office.	2	50
" " to Robert Peebles, for transporting public arms from Shawneetown to Danville,	45	20
" " to John Marshall, for drayage and storage of public arms,	12	76
" " to William Porter, for an abstract of lands entered at Springfield, furnished the Auditor,	7	65
" " to James Whitlock, for recording for State,	3	18
" " to Quarter Master Gen'l. for cleaning public arms,	29	00
" " to John Y. Sawyer for printing,	8	25
" " to A. M. Brailly for services in establishing Northern Boundary line of this State,	400	00
" " to S. C. Christy, for storage of public arms,	50	00
" " to Robert Goudy for binding laws of Congress,	141	00
" " to John Messinger for services in establishing Northern Boundary line of this State,	347	10

## [STATEMENT—CONTINUED.]

To Warrants to Thomas Reynolds, for services in collecting State arms,	90 00
" " to James B. Campbell, for storage and taking care of public arms,	50 00
" " to John Hewit for conveying a message to Governor of Mo. demanding F. Hood a fugitive from Justice,	20 00
" " to E. Breath for advertising notice in relation to State arms, and proclamation offering a reward for the apprehension of Payne, and Adj't. Gen'l's. notice for return of appraisement rolls, horses, arms &c. lost in Indian War,	7 00
" " to Greiner & Sherman for printing 1000 copies of Journals, Gen'l. Assembly session of 1832-33,	1417 10
" " to Robert Goudy for binding Journals of Congress and Laws of New York,	29 40
" " to Tho's Reynolds for collecting State arms,	138 00
" " to William Mitchell for transporting State arms from Springfield to Alton,	21 00
" " to R. K. Fleming for printing Gov'r's. proclamation for apprehension of N. Payne,	7 50
" " to John Y. Sawyer for printing the Governor's address in relation to Cholera,	10 00
" " to Jaines Clark for transporting State arms from McComb to Beardstown,	16 00
" " to S. Beaird for services as a messenger to the Governor of Missouri to demand fugitives from justice,	75 00
" " to Wm. G. Brown, Wm. Mitchell and Jno. McLemore, for transporting State arms from Vandalia to Alton,	108 00
" " to Jno Ewing for collecting State arms,	63 00
" " to Sam'l C. Pierce, for cleaning and repairing State arms,	64 13
" " to I. S. Berry for services in going to the Gov'n'r of Kentucky, to demand fugitives from justice,	200 00
" " to Thomas Philips for transporting arms from Ottawa to Alton,	30 00
" " to Greiner & Sherman, for blank sheets furnished for binding laws,	10 00

## [STATEMENT—CONTINUED.]

To Warrants to M. W. Dorris for services in going to Gov'r of Mo. to demand certain fugitives from justice, and expenses in transporting said fugitives to Quincy,	200 00
" " to S. Baird in full, for services in going to Gov'nr of Mo. to demand certain fugitives from justice,	25 00
" " to John Y. Sawyer for printing general order in relation to arms, &c.	3 00
" " to Doolittle & Munson, for seal for Auditor's Office,	48 25
" " to Wm. H. Brown and John Tillson, for mon- ey paid into the Treasury to pay the inter- est on loan,	2448 00
" " to Wm. Thomas for postage paid on school land patents,	4 00
" " to S. C. Sherman and John Y. Sawyer, for printing an act of the Legislature of Indiana in relation to the improvement of the G. Wabash river,	52 00
" " to S. P. Gorin for freight and charges on a Map of N. Carolina sent to the Governor,	4 75
" " to T. C. Kirkman for recording the plat of the town of Vandalia,	20 00
" " to R. Goudy for binding Journals & Laws of different States,	73 62
" " to A. P. Field for expenses in sending a draft to St. Louis in favor of commissioners of school fund and for stationary for Secretary's Office,	23 00
" " to C. Jones & Co. for publishing Governor's proclamation for apprehension of N. Payne,	4 50
" " to Jacob Judy, Geo. W. Waters and Levi Da- vis in part, for services in selecting Semi- nary Lands,	50 00
" " to R. K. Fleming for printing Gov'r's procla- mation for an election for Congressman in the 1st Congressional District,	5 00
" " to John Y. Sawyer for printing Gov'r's procla- mation for an election for Congressman in the 1st and 2d Congressional district,	20 00
" " to S. C. Pierce for articles furnished for re- pairing and cleaning State arms,	30 15

## [STATEMENT—CONTINUED.]

To Warrants to Levi Davis, Geo. W. Waters and Jacob Judy, for services as commissioners in selecting Seminary lands,	327 00
" " to E. Capps for transporting two muskets from Springfield to Vandalia,	50
" " to Robert Blackwell, Harvey Lee, William Linn, John Hall, Archibald Henry, James Black, James E. Howell and William J. Henry, for materials furnished, and work done on the State House,	501 31
" " to W. B. Scates for legal services in three cases against Jas. M. Duncan, late Cashier.	50 00
" " to J. H. McLemore for transporting State arms from Vandalia to Alton,	36 00
" " to Wm. G. Brown for transporting State arms from Vermilion county to Alton,	160 00
" " to Buxton & Wolford for publishing Gov'r's proclamation for an election for a member of Congress in 3d district,	3 00
" " to J. Bradley for services and expenses in collecting State arms,	150 00
" " to J. M. Morse for repairing Treasurer's and Secretary's Office,	9 00
<b>TOTAL,</b>	<b>\$8,297 88</b>

AUDITOR'S OFFICE, ILLINOIS, }  
 Vandalia, December 4, 1834. }

JAMES T. B. STAPP,

*Auditor.*

The reading whereof, was  
 On motion of Mr. Ewing,  
 Dispensed with, and one hundred copies thereof ordered to  
 be printed for the use of the Senate.

Mr. Speaker laid before the Senate another report from the Auditor, as follows, viz:

STATE OF ILLINOIS, AUDITOR'S OFFICE, }  
Vandalia, December 5, 1834. }

To the Honorable,  
The Speaker of the Senate:

SIR:—In compliance with a resolution of the Senate, passed at the last session of the General Assembly, requiring the Auditor “to communicate to the Senate, at its next session, a tabular or other statement, shewing, as closely as possible, the expenditures of the State Government, from its commencement, up to the 30th day of September, 1834, on account of each branch thereof, so as to exhibit what has been expended or remains due, on account of the Executive, Legislative, Judicial and Military Departments.”

“What for internal improvements, shewing, as nearly as practicable, the amount to each county, and the Illinois and Michigan Canal; also, the receipts and expenditures on account of the several funds for school purposes, and the situation of all such funds at the date of the report.”

“The receipts and expenditures on account of Salines, and such other information thereon, as he may deem pertinent.

“The receipts and expenditures on account of the State Bank of Illinois, and its branches, and such other statements and information as will exhibit the whole financial operations of the State Government, classifying the accounts so as best to accomplish the object.”

I herewith submit the following detailed statement.

I am very respectfully,

JAMES T. B. STAPP,

*Auditor Public Accounts.*

EXPENDITURES.	AMOUNT remain'g due.		AMOUNT OF expenditures	
	D.	C.	D.	C.
<i>On account of Executive Department.</i>				
To the Governor, Auditor of Public Accounts, Secretary of State, and Treasurer,			\$70987	64
<i>On account of the Judiciary.</i>				
To the Judges, Attorney General, and Circuit Attorneys,			118063	98
Amount remaining due to the Judiciary on the 30th September, 1834,	1714	00		
<i>On account of the Legislature.</i>				
For the Pay of members and officers,			210922	09
<i>On account of the Militia.</i>				
To the Adjutant General, Brigade and Division Inspectors,			4997	03
Amount remaining due on account of Militia on the 30th September, 1834,	75	00		
<i>For Internal Improvements.—On account of Roads.</i>				
From Vandalia to Shawneetown,			250	00
do. do. to Golconda,			250	00
do. do. to Kaskaskia,			200	00
do. do. to Alton,			200	00
do. do. to Palestiné,			150	00
do. do. to Vincennes,			250	00
do. do. to America,			125	00
do. do. to Harmony,			90	00
do. Fairfield to Carmi,			75	00
do. Vandalia to America,			41	50
do. Mount Vernon to Gallatin Saline,			216	00
do. Vandalia to Golconda,			214	50
do. Fairfield to Carmi,			121	50
do. Vandalia to Fairfield,			73	50
do. do. to Alton,			92	00
do. Prairie du Rocher to Prairie du Pont,			51	00

## [STATEMENTS CONTINUED.]

EXPENDITURES.	AMOUNT OF remain'g expenditures, due.	
	D.	C. D.
do. McCalla's to Vincennes,		140 00
do. Vandalia to Kaskaskia,		80 00
do. do to Carrollton,		150 00
do. do. to Kaskaskia,		59 00
do. do. to Carrollton,		164 28
do. Wakefield's Settlement to Paris, in Edgar county,		100 00
do. Carmi to Shawneetown,		214 76
do. Springfield to Illinois river,		171 56
Over Shoal creek, and erecting bridge in Bond county,		200 00
From Paris in Edgar county, to Wake- field's Settlement,		40 90
From Springfield to Illinois river,		64 00
From Gallatin Saline to Littleton's Fer- ry,		200 00
From Springfield to Quincy,		185 25
From Paris to Springfield,		129 03
From McCalla's Bridge to Muddy Fork, Clay county,		300 00
From Jacksonville to Beard's Ferry,		500 00
From county line, in Randolph county to Kaskaskia,		24 00
From Fort Clark to east line of State,		73 62
From Vincennes to Chicago,		1556 82
From Vandalia to Palestine,		36 00
From Illinois town to Bluff, in St. Clair county,		1614 28
From Lawrenceville to Vincennes,		1000 00
For road on river bottom east of Van- dalia, in Fayette county.		4370 63
From Vandalia to Shawneetown,		160 00
From Jonesboro' to America,		46 50
From Galena to Chicago,		333 32
For making roads in Jackson county,		200 00
For making roads and bridges in Calhoun county,		300 00

## [STATEMENTS CONTINUED.]

EXPENDITURES.	AMOUNT remain'g due.	AMOUNT OF expenditures.	
		D.	C.
<i>On account of Bridges.</i>			
For building a bridge across McCraney's Creek, Pike county,		150	00
To county commissioners of Jackson co. for building bridges,		200	00
For building bridge across Shoal creek, in Bond county,		180	00
For building a bridge across Bay creek, Pike county,		250	00
For building a bridge across Mill creek, Adams county,		250	00
For building a bridge across Spoon river, in Fulton county,		300	00
For building a bridge across Snicarty, in Pike county,		100	00
For building bridges in Schuyler county,		500	00
For building a bridge across Kickapoo creek Peoria county,		200	00
For building a bridge across Hickory creek, Fayette county,		100	00
For building a bridge across Hurricane creek, Fayette county,		198	50
For building a bridge across Beck's creek and Boaz's creek, Fayette county,		200	00
For building a bridge across Winnebago Inlet, Jo Daviess county,		150	00
For building a bridge across Cedar and Kinkade's creek, Jackson county,		250	00
For building a bridge across Henderson creek, Warren county,		200	00
For building a bridge across Bon Pas creek, Edwards county,		100	00
		3328	50
<i>On account of Penitentiary.</i>			
For building a Penitentiary at Alton,		17415	00

## [STATEMENTS CONTINUED.]

EXPENDITURES.	AMOUNT remaining due.		AMOUNT OF expenditures. due.
	D.	C. D.	
<i>On account of State House.</i>			
For building and repairing State House,		20174 74	
For improving the navigation of the Kaskia river,		2000 00	
For improving the navigation of the great Wabash river,		5000 00	
Amount due to this appropriation, 30th September, 1834,	6636	71	
<i>Illinois and Michigan Canal.</i>			
Amount expended by canal commissioners, under the act of 1823,		10539 87	
The amount of sales of canal lands, under the "act to provide for constructing the Illinois and Michigan canal," approved January 22d, 1829, is \$14,405 83—of which sum, \$1,950 has been paid into the State Treasury by the Treasurer of the Canal Board.			
Amount of sales of Canal lots in Chicago and Ottawa, is \$4,519.			
For public printing, and binding and distributing laws and journals,	47730	11	
For revenue to the counties on the Military Track,	30500	00	
Amount remaining due on this account on the 30th September, 1834,	2050	00	
For postage on public documents, &c., Warden of the Penitentiary for salary,	3239	04	
Agent of the Ohio Saline, for salary,	1190	05	
Amount due on this account, 30th September, 1834,	3259	00	
Amount expended on Muddy Saline,	612	50	
		1000 00	

## [STATEMENTS CONTINUED.]

EXPENDITURES.	AMOUNT remain'g due.		AMOUNT OF expenditures.	
	D.	C.	D.	C.
Contingent fund, incidental expenses, and special appropriations,			93898 99	
Total amount of warrants drawn upon the Treasury since commencement State Government, to 30th September, 1834,			664130 00	
<i>Amount of Receipts into the Treasury from Salines.</i>				
From Gallatin county Saline,			32369 08	
From Muddy Saline,			200 00	
<i>Amount of Seminary Fund.</i>				
Amount paid into the Treasury in June, 1829,			100 00	
Interest on same to 30th Septem- ber, 1834,	31	50		
Amount paid into the Treasury in August, 1829,			608 68	
Interest on same to 30th Septem- ber, 1834,	178	89		
Amount paid into the Treasury in Sep- tember, 1829,			7436 23	
Interest on same to 30th Septem- ber, 1834,	2230	80		
Amount paid into the Treasury in Octo- ber, 1829,			10574 04	
Interest on same to 30th Septem- ber, 1834,	3172	20		
Amount paid into the Treasury in De- cember, 1829,			115 76	
Interest on same to 30th Septem- ber, 1834,	32	78		
Amount paid into the Treasury in Janu- ary, 1830			449 91	

## [STATEMENTS CONTINUED.]

RECEIPTS.	AMOUNT of inter- est.		AMOUNT OF receipts.
	D.	C.	
Interest on same to 30th September, 1834,	147	97	
Amount paid into the Treasury in February, 1830,			353 41
Interest on same to 30th September, 1834,	97	08	
Amount paid into the Treasury in April, 1830,			399 05
Interest on same to 30th September, 1834,	103	74	
Amount paid into the Treasury in June, 1830,			148 13
Interest on same to 30th September, 1834,	37	10	
Amount paid into the Treasury in August, 1830,			200 00
Interest on same to 30th September, 1834,	49	07	
Amount paid into the Treasury in October, 1830,			149 11
Interest on same to 30th September, 1834,	35	76	
Amount paid into the Treasury in November, 1830,			223 45
Interest on same to 30th September, 1834,	41	30	
Amount paid into the Treasury in August, 1831,			200 00
Interest on same to 30th September, 1834,	37	07	
Amount paid into the Treasury in January, 1832,			100 00
Interest on same to 30th September, 1834,	16	00	
Amount paid into the Treasury in August, 1832,			100 00
Interest on same to 30th September, 1834,	12	53	

## [STATEMENTS CONTINUED.]

EXPENDITURES.	AMOUNT of inter- est.		AMOUNT OF receipts.	
	D.	C.	D.	C.
Amount paid into the Treasury in October, 1833,			442	00
Interest on same to 30th September, 1834,	26	52		
Amount paid into the Treasury in December, 1833,			456	63
Interest on same to 30th September, 1834,	20	52		
Amount paid into the Treasury in June, 1834,			100	00
Interest on same to 30th September, 1834,	1	50		
Amount paid into the Treasury in July, 1834,			100	00
Interest on same to 30th September, 1834,	1	32		
Amount paid into the Treasury in August, 1834,			300	00
Interest on same to 30th September, 1834,	1	60		
Total amount of Seminary Fund on 30th September, 1834,			\$22556	80
Interest on same to same,			6265	25
Total principal and interest,			\$28822	05
<i>Amount of School Fund.</i>				
The amount of school fund received of the United States to the 28th January, 1829, is \$11,050 60; of which sum \$10,620 09 was applied towards the purchase of Auditor's warrants—a mounting to				
The remaining \$730 51 has been loaned to the State, under the act of January 16th, 1829, authorizing the commis-			28283	80

## [STATEMENTS CONTINUED.]

RECEIPTS.	AMOUNT of inter- est.		AMOUNT OF receipts.	
	D.	C.	D.	C.
sioners of the school and seminary fund to loan the same to the State, Interest on this sum to 30th September, 1834, at 6 per cent.	245	20	730	51
The amount received from the United States since 29th January 1829, and which has been loaned to the State in pursuance of the act entitled "An act concerning the school fund," approved February 13th 1833, is			32237	81
Interest on the same to 30th September, 1834, at 6 per cent.	2062	51		
The amount now in the Branch Bank of the United States at St. Louis, deposited to the credit of the commissioners of the school fund, and which is the full amount due by the United States to this state, to the 1st day of July, 1833, is			21574	73
Total amount of School Fund, on 30th September, 1834,			82826	85
Interest on same to same,			2307	71
Total principal and interest,			\$85134	56

In reply to that part of the resolution requiring a statement in relation to "the receipts and expenditures on account of the State Bank of Illinois and its Branches," I would remark, that there is nothing in this office to shew any of the transactions of the Bank, except the amount of money which has been received at the Treasury from bank debtors and collectors since the office of cashier was abolished, and the duties transferred to the treasurer.

I am, very respectfully,

JAMES T. B. STAPP,  
*Auditor of Public Accounts.*

The reading whereof was, on motion of Mr. Taylor, dispensed with, and 500 copies thereof was ordered to be printed for the use of the Senate.

On motion of Mr. Snyder,

*Resolved by the Senate*, That the Auditor of State be required to furnish to the Senate an extract from the books in his office, shewing the amount of taxes on resident and non-resident lands in each county in this state.

On motion of Mr. Maxwell,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the propriety of amending the law concerning Negroes, Mulattoes, &c. so as to prohibit their introduction into this state for the purpose of gaining settlements, under any pretence whatever; and that they report by bill or otherwise.

Mr. Ewing introduced the following preamble and resolution:

The franking privilege is one having great influence upon public sentiment, and the general diffusion of important and necessary intelligence. The information imparted to the people under the operation of this privilege, is generally of a character affecting our national institutions and legislation, our relations with foreign governments, and the footing we maintain towards them relative to the operations of the army and navy, and every other matter in any wise concerning the general government. It is admitted that all this is of the last consequence to the people of this republic, in their national character. But there are other points in which this great privilege might be exercised to still further advance the intelligence of the people, relative to public affairs. It is a positive burthen to the electors and their state representatives, to correspond during the sessions of their legislatures, such an one as the representative cannot bear, nor the constituents endure. Therefore,

*Resolved*, That our representation in the Congress of the United States, be requested to urge the passage of a law through that honorable body, authorizing the Governor, Lieutenant Governor, and Secretary of each State of the Union, to receive and transmit all official or other correspondence during their continuance in office, free of postage; and that all members of the General Assembly of each and every state, during the period of their respective sessions, be entitled to the like privilege.

And, on his motion,

They were laid on the table.

Mr. Thomas asked and obtained leave to introduce a bill for "An act to amend an act for the limitation of actions, and for avoiding vexatious law suits," approved 10th February, 1827; which was read the first time, and

*Ordered* to a second reading.

Whereupon, Mr. Gatewood moved the printing of 50 copies of said bill:

Which motion was withdrawn: And, thereupon,

Mr. Snyder moved to take up the bill, and dispense with the rules, and now read it the second time by its title, and refer the same to the Judiciary committee.

Which motion he withdrew,

Mr. Gatewood moved to lay the bill on the table, and order the printing of 50 copies:

Upon which motion the question being put,

It was decided in the negative. And,

On motion of Mr. Thomas,

The bill was referred to the committee on the Judiciary.

Mr. Thomas asked and obtained leave to introduce a bill for An act to establish additional election precincts in the county of Morgan:

Which was read the first time, and

*Ordered* to a second reading.

Mr. Hacker gave notice, that on Monday next, or some day thereafter, he should ask leave to bring in a bill, having for its object the compensation of grand and petit jurors.

On motion of Mr. Mills,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the Estray law, as to make it the duty of the taker up, to advertise all estrays in the paper printed by the public printer.

Mr. Gatewood asked and obtained leave to introduce the petition of Valentine Tite, and,

On his motion, it was

Referred to the committee on Petitions.

Mr. Gatewood also asked and obtained leave to introduce the memorial of Daniel Curtin, which was,

On his motion,

Referred to the committee on the Judiciary.

On motion,

The Senate adjourned until 2 o'clock, P. M.

Senate met pursuant to adjournment.

The joint resolution from the House of Representatives, on the subject of memorializing Congress for an appropriation to clear out obstructions to the navigation of the Mississippi, Illinois and Wabash rivers, was taken up and concurred in, and Messrs. Maxwell, Davidson and Hacker were appointed the committee on the part of the Senate.

On motion of Mr. Bond,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the Estray law, as to require of the taker up to enter into a bond, with security, for the delivering of the property so taken up by him, to the sheriff, at the time fixed by law.

*Resolved*, That the same committee be instructed to inquire into the expediency of further amending said law, so as to allow the proof of ownership of any estray taken up, to be made before any justice of the peace, before whom the same may have been posted, enjoining said justice to forward the proof, so made, to the clerk of the county commissioners' court, within five days after the same is taken by him.

On motion of Mr. Thomas,

*Resolved*, That so much of the late Governor's message as relates to the criminal code, be referred to the committee on the Judiciary.

Mr. Maxwell gave notice, that on Tuesday next, or some day thereafter, he would introduce a bill for an act entitled An act to amend the several acts now in force, concerning justices of the peace and constables.

On motion of Mr. McGahey,

*Resolved*, That the sergeant at arms be requested to procure and set up a stove in the west end of the lobby, adjoining the Senate chamber.

On motion of Mr. Noel,

*Resolved by the Senate*, That the committee on the Judiciary be instructed to inquire into the expediency of making the offices of judge of probate, county recorder, clerk of the circuit and county commissioners' court, incompatible at the same time in the same person; and that they report by bill or otherwise.

On motion of Mr. Mather,

*Ordered*, That the standing hour of adjournment of the Senate be ten o'clock A. M.

On motion, the Senate adjourned.

SATURDAY, December 6, 1834.

Senate met pursuant to adjournment.

On motion of Mr. Williams,

*Resolved, by the Senate,* That so much of the messages of the acting governor, and of his excellency, the governor elect, as relates to internal improvement, be referred to the committee on Internal Improvements.

On motion of Mr. Ewing,

*Resolved,* That a select committee of three be appointed to inquire into the expediency or inexpediency of creating a bank in this state; and said committee report by bill or otherwise.

*Ordered,* That Messrs. Ewing, Will and Taylor be that committee.

On motion of Mr. Gatewood,

*Resolved,* That so much of the message of the Governor as relates to the subject of education, be referred to the committee on Education.

On motion of Mr. Thomas,

*Resolved,* That the committee on the Judiciary be instructed to inquire into the propriety and necessity of amending the laws in relation to costs, and to the fees of the several officers in the state.

A message from the House of Representatives by Mr. Prickett their Clerk.

MR. SPEAKER:—The House of Representatives have adopted the following resolution, viz:

*"Resolved by the General Assembly of the State of Illinois,* That our Senators be instructed and our Representatives in Congress requested to use their exertions to procure the passage of a law authorizing ports of entry to be established at Ottawa, on the Illinois River, Lafayette, on the Wabash river, in Indiana, and also at Galena, in this state; and that the Governor be requested to forward a copy of this resolution to each of our Senators and Representatives in Congress;" in the adoption of which they ask the concurrence of the Senate.

"In pursuance of the order of the House of Representatives, I herewith furnish the Senate with a copy of the report of the inspectors of the Penitentiary."

And he withdrew.

Which message being taken up,

Mr. Noel moved to amend the resolution by striking out Lafayette and inserting Terre Haute: when,

On motion of Mr. Snyder,

The resolution and amendment was laid on the table: and, On motion of Mr. Forquer,

*Ordered*, That the report of the inspectors of the penitentiary be laid on the table, and that 100 copies thereof be printed for the use of the Senate.

On motion of Mr. Mills,

*Resolved by the Senate*, That the committee on Internal Improvements, be instructed to inquire into the expediency of creating a new road law, fixing the basis upon which the roads in this state are worked, on taxation; and that they report by bill or otherwise.

On motion of Mr. Forquer.

*Resolved*, That the committee on the Seminary, School Lands and Education, be instructed to inquire into the expediency of memorializing Congress to grant to this state other sections of land in lieu of such of the 16th or school sections, as may not be available for the purpose of the grant for which said sections were made.

Mr. Mills, from the Committee on petitions, to whom was referred the petition of sundry citizens of Jasper county, reported a bill entitled "A bill for an act to organize Jasper county."

Read the first time, and

*Ordered* to a second reading: And, thereupon,

On motion of Mr. Mills,

The rules of the Senate were dispensed with, and said bill was read a second time by its title, and

*Ordered* to be engrossed for a third reading.

Mr. Gatewood made the following report:

The joint committee on the part of both houses of the General Assembly, to whom was referred a joint resolution, requiring them to contract for all the printing of the present session of the General Assembly, (the laws and journals excepted,) beg leave to report that John York Sawyer proposed to do the said work and printing as follows, to wit:

For composition, per 1000 ems,	- - - - -	50 cents.
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" presswork, per token,	- - - - -	50 "
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" paper, per quire,	- - - - -	25 "
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" rule and figure work, per 1000 ems,	1 00	
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Which being the lowest bid offered to the committee, the

same was accepted: in which they ask the concurrence of the Senate.

The question was put on concurring with the committee in their report, and

Decided in the affirmative.

Mr. Thomas, from the joint committee appointed to draft and report joint rules for the government of the two houses, reported that they had agreed to the following resolution:

*Resolved*, That the joint rules adopted by the General Assembly at the last session, for the government of the two houses, be, and the same are hereby adopted for the government of the two houses, during the present session.

The question on concurring with the committee in their report, being put, was decided in the affirmative.

*Ordered* That the Secretary inform the House of Representatives thereof.

On motion of Mr Gatewood,

*Ordered*, That 52 copies of the joint rules for the government of the two houses of the present General Assembly, be printed, for the use of the Senate. Which rules are as follows, viz.:

1. While bills are on their passage between the two houses, they shall be under the signature of the secretary or clerk of either house, (as the case may be) respectively.

2. After a bill has passed both houses, it shall be enrolled, before it is presented to the Council of Revision.

3. When bills are enrolled, they shall be examined by a joint committee of one from the Senate and two from the House of Representatives, appointed as a standing committee for that purpose; who shall carefully compare the enrolled bills with the engrossed bills so passed by the two houses; correct any errors which may be discovered in the enrolled bills, and make their report forthwith to their respective houses; the secretary or clerk having previously certified on the margin of the roll, in which house it originated.

4. After examination and report, each bill shall be signed in the respective houses, first by the Speaker of the House of Representatives, and then by the Speaker of the Senate.

5. After a bill shall have been signed by the Speakers of both houses, it shall be presented by said committee to the Council of Revision for their approbation. The said committee shall report the day of presentation to the Council of Re-

vision, which time shall be carefully entered on the journal of each house.

6. All resolutions and memorials which are to be presented to the Governor, shall be previously enrolled, examined, signed and presented by the same committee, reported, and an entry thereof made, as provided in case of bills.

7. When a bill or resolution which shall have passed one house, is rejected in the other, information thereof shall be given to the house in which the same shall have passed.

8. When the consideration of any bill, memorial, or resolution, which has originated in one house, shall be postponed in the other house to a day so distant that it will not be taken up at the present session, the house in which such bill, memorial, or resolution shall have originated, shall be forthwith informed of such postponement.

9. When a bill, memorial, or resolution, which has passed one house, is rejected in the other, it shall not be again introduced during the same session, without a notice of three days, and leave of the house in which it shall be renewed.

10. Each house shall transmit to the other, all papers on which any bill or resolution shall be founded.

11. All joint elections shall be in the hall of the House of Representatives, and the members shall vote *viva voce*, except where the constitution has provided otherwise; and when the election is by joint ballot, the speaker shall appoint one member of each house as tellers, and in all cases a majority of the votes given, shall be requisite to constitute an election.

12. Each house shall have the liberty of ordering the printing of bills, messages, and reports, without consent of the other.

Mr. McGahey moved the adoption of the following resolution, viz.:

*Resolved by the Senate,* (the House of Representatives concurring herein,) that the two houses meet in the representatives' hall, on Saturday, the 13th instant, to elect, by joint ballot, a Senator to the Congress of the United States, for the next consecutive six years, after the expiration of the present term of the Hon. John M. Robinson.

On the question, Will the Senate adopt said resolution?

It was decided in the negative.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed by the House of Represen-

tatives to inform the Senate that the House of Representatives have adopted the resolution reported by the joint select committee, appointed to draft and report joint rules for the government of both houses of this General Assembly.

I am also directed to inform the Senate, that the House of Representatives have concurred in the report of the joint select committee appointed to contract for the printing for both houses of the present General Assembly. And he withdrew.

*Ordered,* That the Senate adjourn until Monday morning, 10 o'clock;

MONDAY, December 8, 1834.

Senate met pursuant to adjournment.

Mr. Maxwell, asked and obtained leave to introduce the petition of Abraham Carlock; and, on his motion, the reading thereof was dispensed with, and the petition referred to the committee on Petitions.

Mr. Maxwell, also, asked and obtained leave to introduce the petition of John Jamison; which, on his motion, was referred to the committee on Finance.

On motion of Mr. Bond,

*Resolved,* That the committee on Seminary, School Lands, and Education, be instructed to inquire into the expediency of so amending the laws concerning school lands, as to enable the inhabitants of any township wishing the same, to lease the sixteenth section, or other lands set apart in lieu thereof, for school purposes; and that they report by bill or otherwise.

On motion of Mr. Will,

*Resolved,* That a select committee be appointed to draft a memorial to Congress asking an additional appropriation for the purpose of erecting a hospital, at Caledonia, on the Ohio river, in Alexander county, in this state; and further asking Congress to commence this work immediately.

*Ordered,* That Messrs. Will, Hacker, and Gatewood, be that committee.

Mr. Gatewood offered for adoption the following resolution:

*Resolved,* That the sergeant-at-arms for the Senate, be required to call upon the Secretary of State for copies of the laws of the General Assembly of the state of Illinois, for the years 1827, 1829, 1831, and 1833; and that the Secretary

of State be requested to furnish them to the sergeant-at-arms, for the use of the Senate. And,

On motion of Mr. Gatewood,

The blank in the said resolution was filled with the number ten.

Mr Thomas moved to lay the resolution on the table; but withdrew said motion. Whereupon

Mr. Will renewed the motion to lay the resolution on the table.

Which was decided in the affirmative; and the resolution, Laid upon the table.

On motion of Mr. McGahey,

The joint resolution from the House of Representatives, having for its object the instructing our Senators and requesting our Representatives in Congress to use their exertions to procure the passage of a law authorizing ports of entry to be established at Ottawa, on the Illinois River, Lafayette, on the Wabash river, in Indiana, and also at Galena, in this state; was taken up, when

Mr. Noel moved to amend the resolution by inserting after the word "Lafayette," the words "or Terre Haute."

The question on said amendment being taken,

It was decided in the negative.

Mr. Gatewood moved to amend the resolution by inserting the word "Shawneetown."

Which was also decided in the negative.

And then, the question recurring upon concurring with the House of Representatives in the adoption of the resolution:

It was decided in the affirmative.

Mr. Thomas asked and obtained leave to introduce a bill for An act to amend the ac: entitled "An act concerning landlords and tenants," approved 13th February, 1827.

Which was read the first time, and

*Ordered* to a second reading. When

Mr. Forquer moved to dispense with the rules of the house, and now read the bill a second time by its title;

Which was decided in the negative.

Mr. Snyder moved the adoption of the following preamble and resolution:

Considering the objects of the Government of the United States, in the erection of the military academy at West Point, to have been purely of a national character, and for the advancement of military science, and to rear up a body of young

men from amongst our citizens, without reference to the wealth or influence of their parents, whose talents and acquirements would be eminently useful whenever the occasion should demand their services in the cause of their country. It is deeply to be regretted that the objects of the nation should have been in a great measure prevented by not only the manner in which the admission or appointments of cadets to that institution, have, of late years, been made, but also the mode in which its internal government has been administered, and the gross partialities and acts of injustice which have been provisionally appointed, and the undue influence which has been eminently exerted by the powerful and wealthy, over those who control and regulate its affairs: Therefore,

*Resolved by the Senate and House of Representatives of the People of the State of Illinois,* That our Senators in Congress be instructed and our Representatives requested to use their utmost endeavors to procure a reformation in the government of this institution, to prevent the continuance of the present abuses, and so to alter the present mode of admission thereto, as to throw open the means of admission to the children of indigent and meritorious citizens.

Which, upon his motion, was

*Ordered to lie upon the table.*

Mr. Stephenson moved the adoption of the following resolution:

*Resolved,* That the committee on Internal Improvements be instructed to inquire into the expediency of obtaining a loan for the purpose of effecting the Michigan and Illinois canal. When

Mr. Williams moved to lay said resolution on the table; which motion he withdrew; and then the resolution was adopted.

Mr. Speaker laid before the Senate a communication from the Secretary of State, as follows, viz.:

DEPARTMENT OF STATE, VANDALIA, DECEMBER 6, 1834.

To THE SPEAKER OF THE SENATE.

SIR:—In obedience to a resolution of the Senate, of the 5th ultimo, calling on this department for the abstracts of votes given at the last general election, for the permanent seat of government of the State of Illinois, I have the honor herewith

to transmit to the Senate, all the abstracts of votes which have been received at this department.

I have the honor to be, Sir,

Your obed't. Servant,

A. P. FIELD,

*Sec'y. of State.*

Which was,

On motion of Mr. Ewing,

Referred to the committee on Elections.

Mr. Hacker asked and obtained leave to introduce a bill for An act to divorce certain persons therein named.

Which was read the first time, and

*Ordered* to a second reading.

The bill for an act to establish additional election precincts in the county of Morgan, was taken up, and read a second time, when,

Mr. Gatewood moved to commit the bill to a select committee, but withdrew his motion, when,

On motion of Mr. Thomas,

The bill was committed to the committee on Elections.

Mr. Will asked and obtained leave of absence for Mr. Stephenson, for eight days.

*Ordered* that the Senate adjourn.

TUESDAY, December 9, 1834.

Senate met pursuant to adjournment.

Mr. Ewing asked and obtained leave to introduce the petition of William Roberts, and, on his motion, the reading thereof was dispensed with, and the petition

Referred to the committee on the Judiciary.

Mr. Ewing moved the adoption of the following resolution, viz.:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of creating a Judicial Circuit Court System in this state, or creating such additional number of circuits as may be necessary to the prompt and decisive transaction of the business of the people.

Mr. Gatewood moved to amend said resolution, by striking out the words "the committee on the Judiciary be instructed," and inserting, in lieu thereof, "a select committee be appointed," which was decided in the negative.

The question was then put upon the adoption of the resolution, and

Decided in the affirmative.

Mr. Speaker laid before the Senate, the following communication from the Auditor of State, viz:

STATE OF ILLINOIS, AUDITOR'S OFFICE,

*Vandalia, 9th December, 1834.*

SIR:—In compliance with a resolution of the Senate “requiring the Auditor to furnish the Senate with an extract from the books of his office, shewing the amount of taxes on resident and non-resident lands in each county in this state,” I have the honor herewith to submit the enclosed statement.

Very respectfully,

JAMES T. B. STAPP, *Auditor.*

THE HON. SPEAKER OF THE SENATE:

<i>Counties.</i>	Amount of Resident land tax paid into the county treasuries, in the year 1834.		Amount of land tax each county will receive for the year 1835, under the present laws.		Amount of revenue which the state derives from the tax on lands, in each county.	
	<i>Dollars.</i>	<i>Cts.</i>	<i>Dollars.</i>	<i>Cts.</i>	<i>Dollars.</i>	<i>Cts.</i>
Alexander,	168	68	176	54	211	84
Pope,	307	34	312	69	51	46
Johnson,	78	91	80	11	115	14
Jackson,	291	37	299	42	255	93
Gallatin,	1070	17	1090	12	67	60
Hamilton,	108	48	111	01	17	18
Franklin,	173	48	179	48	26	20
Jefferson,	101	92	112	42	25	95
Wayne,	225	75	228	09	137	20
Perry,	136	74	167	94	11	20
Randolph,	1275	58	1292	83	283	28
Washington,	69	36	70	10	45	90
Clinton,	336	54	349	59	162	81
Monroe,	664	91	673	94	146	24
St. Clair,	2236	19	2278	89	368	12
Madison,	1668	70	1759	75	264	25
Bond,	425	85	439	08	92	86
Macoupin,	53	15	142	95	3	60
Montgomery,	135	97	175	84	20	39
Shelby,	96	36	189	84	00	00

<i>Counties.</i>	<i>Dollars.</i>	<i>Cts.</i>	<i>Dollars.</i>	<i>Cts.</i>	<i>Dollars.</i>	<i>Cts.</i>
Fayette,	152	04	170	95	45	80
Marion,	37	20	48	00	00	00
Effingham,			1	20	00	00
Coles,	29	44	180	55	3	60
Clay,	27	57	31	17	6	00
Clark,	229	56	262	86	25	27
Edgar,	397	09	671	81	95	97
Crawford,	695	38	733	90	94	79
White,	678	29	704	28	135	77
Vermillion,	1064	58	1540	66	62	35
Champaign,	18	58	42	58	00	00
Iroquois,	00	00	00	00	00	00
Wabash,	617	05	645	11	125	57
Edwards,	258	72	275	85	179	20
Jasper,	00	00	00	00	00	00
Greene,	1083	13	1305	53	29	18
Union,	505	80	509	40	86	21
Macon,	47	86	169	60	00	00
Rock Island,			28	12	00	00
Lawrence,	793	04	825	53	89	99
Morgan,	1854	60	2564	50	56	29
La Salle,	76	29	76	29	23	60
Tazewell,	70	11	429	30	00	00
Cook,	109	14	109	14	2	40
McLean	32	80	278	72	00	00
Sangamon,	2694	78	3297	61	54	26
Peoria,					1981	20
Fulton,					3188	52
Calhoun,					1528	80
Putnam,	2	48			3156	00
Pike,					3232	80
Mercer,					2294	40
Warren,					4904	00
Hancock,					4603	20
Henry,					1416	00
Knox,					3122	40
Schuyler,					3007	20
McDonough,					3698	40
Adams,					4646	40
	\$21109	68	25033	19	45112	72

JAMES T. B. STAPP, Auditor Pub. Acc'ts.

On motion of Mr. Thomas,

The reading thereof was dispensed with, and the communication

Referred to the committee on Finance.

Mr. Maxwell moved the adoption of the following resolutions, viz.:

1st. *Resolved*, That the committee on Finance be instructed to inquire into the propriety of requiring all clock pedlers to pay a sum not less than fifty dollars for a license to sell clocks in any county in this state, for any term of three months.

2d. *Resolved*, That the same committee be instructed to inquire into the propriety of granting a license to grocers, and requiring them to pay a sum for said license not less than twenty-five dollars per year for each year.

Mr. Hacker moved to amend the second resolution by striking out the words "twenty-five:"

Which amendment was accepted by the mover; and then the resolution was adopted.

Mr. Taylor moved the adoption of the following resolution:

*Resolved*, That the committee on Internal Improvements be instructed to draft a memorial to Congress, asking a further donation of land, to enable the state of Illinois to complete the canal between the Illinois river and Lake Michigan.

Mr. Thomas moved to modify the resolution so as to read: "*Resolved*, That the committee on Internal Improvements be instructed to inquire into the expediency of memorializing Congress, asking a further donation of lands, to enable the state of Illinois to complete the canal between the Illinois river and Lake Michigan."

Which modification was accepted by the mover; and then the resolution was adopted.

Mr. Williams asked and obtained leave to introduce a bill for An act to amend an act concerning judgments and executions; approved January 17th, 1825:

Which was read the first time; and,

*Ordered* to a second reading.

The bill for an act entitled An act to amend the act concerning landlords and tenants; approved February 13th, 1827; was taken up, and,

On motion of Mr. Taylor,

Was read a second time by its title. When,

Mr. Williams moved to lay the bill on the table, and that 50 copies thereof be printed for the use of the Senate.

Mr. Taylor suggested 100; which, being accepted by the mover, the question being then put on laying the bill on the table, and printing:

It was decided in the affirmative.

The bill for An act to divorce certain persons therein named, was then taken up.

Mr. Noel moved to refer the bill to a select committee.

Mr. Williams moved to amend the motion so as to refer it to the committee on the Judiciary. Whereupon,

Mr. Taylor moved that the bill be indefinitely postponed.

Which was decided in the affirmative.

A message from the Governor, by Mr. Field, Secretary of State.

MR. SPEAKER:—I am directed by the Governor to lay before the Senate a communication in writing.

And then he withdrew. Whereupon,

Mr. Speaker laid before the Senate the following communication, viz:

EXECUTIVE DEPARTMENT, VANDALIA, DEC. 8, 1834.

TO THE SPEAKER OF THE SENATE.

SIR:—I beg leave to transmit to the Senate a list of vacancies which have occurred in the office of Judge of Probate, in the several counties in this state, since the adjournment of the last Legislature.

I have the honor to be, Sir,

Your ob't. Servant,

JOSEPH DUNCAN.

A List of the counties in which the office of Judge of Probate is vacant.

Clinton,

Coles,

Fulton,

Iroquois,

Pike,

Pope.

Which was read, and,

On motion of Mr. Davidson,

Laid on the table.

The engrossed bill entitled "An act to organize the county of Jasper," was then read a third time and passed.

*Ordered* That the title of the bill be as aforesaid, and that the Secretary inform the House thereof, and ask their concurrence therein.

On motion of Mr. Thomas,

The resolution heretofore laid on the table, authorizing the

Secretary of the Senate to appoint an assistant, was then taken up, and,

On the question Shall said resolution be adopted?

It was decided in the affirmative.—Yea 12—Nays 11.

Those who voted in the affirmative, are,

Messrs. Davidson, Edwards, Ewing, Gatewood, Jones, Lane, Mather, Mills, McGahey, Thomas, Whiteside and Williams.—12.

Those who voted in the negative, are,

Messrs. Bond, Craig, Forquer, Hacker, Maxwell, Noel, Rattan, Snyder, Taylor, Will and Williamson.—11.

On motion,

The Senate then adjourned.

WEDNESDAY, December 10, 1834.

Senate met pursuant to adjournment.

Mr. Williamson asked and obtained leave to introduce the petition of Peter Warren, John Storms and Andrew Caldwell, praying compensation for building a bridge across the Kaskaskia river, near Shelbyville, and,

On his motion, the same was

Referred to a select committee of five.

*Ordered*, That Messrs. Williamson, Gatewood, Lane, McGahey and Craig, be that committee.

Mr. Williams, from the committee on Petitions, to whom was referred the petition of Valentine Tite, praying for remuneration for losses sustained in defending a suit brought against him by Hugh M. Weed, made the following report, viz.:

A majority of the committee on Petitions, to which was referred the petition of Valentine Tite, praying for remuneration, &c. have directed me to report:

That, in the prosecution of their examination, they were necessarily confined to the petition itself, (having no documentary or other evidence, to aid in their investigation.) Assuming, then, that all the facts set out in the petition are true, would it not be proper to grant the prayer of the petitioner?

The substantial statements in the petition, are, that the pe-

tioner entered and paid for a certain tract of land, in the Saline Reserve, and was in the occupancy of it, and that the said Hugh M. Weed, pretending to claim the said land, under a lease, from the constituted state authorities, brought suit against him, in the circuit court of Gallatin county. That, upon the trial of the said suit, he, the petitioner, was sustained and justified; but that a new trial was afterwards granted, upon the motion of said Weed, and application made for a change of venue; and that the petitioner consented to pay the costs of said suit, rather than follow it to another county.

It cannot be contended that the state is under any moral obligation to defend the title it makes to lands, against a mere wrong-doer who disturbs the same, either by forcible eviction or by commencing a vexatious suit, without right or title in himself. The claim of the petitioner to remuneration, then, rests upon the existence of a valid and standing lease, in Weed, at the time that the entry was made, by the petitioner. So far as the result of the trial can be regarded, it affords evidence that Weed had no valid claim to the said land; and the only evidence of its validity is found in the fact that a new trial was granted; which cannot be regarded as satisfactory; as new trials are frequently allowed upon mere technical grounds, without regard to the merits of the case.

Under this view of the subject, and believing that to grant the prayer of the petitioner would involve an exercise of power, not strictly within the range of legislative action, the proper exercise of which depending upon circumstances that can only be correctly ascertained by a tribunal aided by judicial process, whereby parties and witnesses can be brought before it, and disputed facts investigated, should be cautiously ventured upon by the legislature.

They are therefore of the opinion, that the prayer of the petitioner ought not to be granted.

Which was read, and,

On motion of Mr. Hacker,

The report was laid upon the table.

Mr. Thomas, from the committee on the Judiciary, to whom was referred the bill for An act to amend "An act for the limitation of actions and avoiding vexatious law suits;" approved Feb. 10th, 1827, reported the same with sundry amendments; which were read, and concurred in by the Senate.

On motion of Mr. Thomas,

*Ordered*, That the bill, as amended, be laid upon the table,

and that 100 copies thereof be printed for the use of the Senate.

On motion of Mr. Hacker,

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of so amending the revenue law, as to make it the duty of some person, to be appointed by the county court, in each captain's company, to receive a list of taxable property; and that they be compensated by being exempted from some public duties.

A message from the House of Representatives, by Mr. Prickett, their clerk.

Mr. SPEAKER:—I am directed by the House of Representatives to inform the Senate that they have passed a bill of the following title, viz.:

“An act for the benefit of the infant heirs of Willis Snyder, deceased;” in the passage of which they ask the concurrence of the Senate.

They have also adopted “A memorial to Congress relative to the removal of the obstructions to the navigation of certain rivers;” in the adoption of which they ask the concurrence of the Senate.

And he withdrew.

The bill referred to in said message was then read the first time; and

*Ordered* to a second reading.

On the question, Will the Senate concur with the House of Representatives in the adoption of the aforesaid memorial?

It was decided in the affirmative.

On motion of Mr. Taylor,

The vote just taken on the adoption of the said memorial, was re-considered. Whereupon,

On motion of Mr. Taylor,

The memorial was referred to the committee on Internal Improvements.

Mr. Noel moved the adoption of the following resolution, viz.:

*Resolved by the Senate*, That a select committee of be appointed to examine the law passed at the last session of the legislature, granting rights of pre-emption on the canal lands, in this state, to James B. Campbell and George E. Walker; and also the deeds made to them for said lands, by the late Governor of this state; and that they report whether or not

the selection of said lands have been made in conformity with the provisions of said act.

Mr. Davidson moved to lay said resolution on the table.

Which was not agreed to.

Mr. Ewing moved to fill the blank in said resolution with the number "five;"

Which was agreed to. Whereupon,

The question recurring on the adoption of said resolution?

It was decided in the affirmative.

*Ordered*, That Messrs. Noel, Ewing, Mather, Whitesides and Maxwell, be that committee.

Mr. Thomas asked and obtained leave to introduce a bill for "An act concerning mortgages;"

Which was read the first time, and

*Ordered* to a second reading.

The bill for "An act to amend an act concerning executions," was then read the second time; and,

On motion of Mr. Williams,

Referred to the committee on the Judiciary.

On motion of Mr. Hacker,

The report of the committee on Petitions, on the petition of Valentine Tite, praying remuneration for losses sustained in defending a suit brought against him by Hugh M. Weed, was then taken up, and,

On motion of Mr. Gatewood,

Referred to a select committee.

*Ordered*, That Messrs Gatewood, Davidson and Rattan, be the committee.

On motion,

The Senate then adjourned.

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THURSDAY, December 11, 1834.

Senate met pursuant to adjournment.

A message from the Governor, by Mr. Bradley:

MR. SPEAKER:—I am directed by the Governor to lay before the Senate two several communications in writing.

And then he withdrew.

A message from the House of Representatives by Mr. Prickett their Clerk.

MR. SPEAKER:—The House of Representatives have adopted the following resolution, viz:

*"Resolved by the House of Representatives, (the Senate concurring herein,) That when it may be necessary to print bills, or other documents, pending before either house, in which the two houses are interested, that a sufficient number be ordered for the use of both houses;"* in the adoption of which they ask the concurrence of the Senate.

They have passed a bill of the following title, viz.:

*"An act to increase the number of election precincts in the counties of Morgan and Madison;"* in the passage of which they ask the concurrence of the Senate.

They have also adopted a *"Memorial and resolution, on the subject of hospitals in the interior of the United States;"* in which they ask the concurrence of the Senate.

And he withdrew.

Mr. Ewing, from the committee on the Judiciary, which was instructed to inquire into the expediency of creating a judicial circuit court system, or creating such additional number of circuits as might be necessary for the prompt and decisive transaction of the business of the people, made the following report, viz.:

The committee on the Judiciary to which was referred the resolution requiring said committee to inquire into the expediency of creating a judicial circuit court system in this state, &c. have had the same under consideration, and report as follows, with the accompanying bill:

The administration of justice, is a subject of deep and absorbing interest to the people of this state. The enactment of good and salutary laws, are attended with but little advantage to the public, unless the laws also provide a sufficient number of competent judges, to hold courts, for their speedy and just administration.

Every county is entitled to equal privileges in respect to courts, and every facility should be furnished to insure the holding of courts with regularity and certainty, at the terms appointed by law. From the unexampled increase of our population, and the consequent increase of business, it has become manifest that the interest of the community demands a radical change in our judicial system.

Confidence in the purity and impartiality of your courts,

ought to be highly cherished and guarded, in order to give the utmost stability and utility to our judicial institutions. This confidence, however, is much diminished in the minds of many, in consequence of that feature in our judicial polity, which requires the judges of the supreme court to hold and perform the duties of the circuit courts. Many entertain and express the opinion, that an appeal from the circuit to the supreme court, is entirely useless and delusive; because, although appeals are taken from a lower to an higher judicial tribunal, yet the same judge presides in both. The suitor, in this anomalous procedure, does not believe he is appealing to an impartial tribunal. Conscious of a wrong done him in the court below, yet he refuses to resort to his legal right of appeal, because he believes his case already prejudged. Self-love, and pride of opinion, being constituent properties of the minds, as well of the public judicial functionary as the private man, it may be well inquired, whether these apprehensions, affecting the purity of a court of justice constituted as ours is, be founded in truth, or fallacy.

But whether true, or founded in prejudice, it will not escape your observation, that it produces the same evil consequence, a diminution of confidence and faith in the purity and impartiality of the judicial tribunals of the country.

By the constitution of the state, the judges of the supreme court are required to attend the session of the legislature, in addition to holding the supreme court. The time requisite for the performance of their duties, precludes the possibility of their holding special terms for the trial of persons charged with criminal offences. It follows, as a necessary consequence, that all who are committed to prison upon a criminal charge, and who cannot procure bail, must remain incarcerated until the regular term, except in capital cases; and even these cases do not form an exception, during the sessions of the legislature and the terms of the supreme court. Apart from the exercise of a common feeling and principle of humanity, and viewed only in the light of a county expenditure, the continuance of these prisoners in jail, constitute a heavy burthen upon the fiscal concerns of the several counties.

It is the opinion of the committee that the necessary expenditures for the support of these prisoners, will constitute a sum fully equal to, or perhaps greater than the difference between the expense of the present and the proposed system of circuit Judicature,

In case of the innocence of the prisoner (and the law presumes all to be innocent until the contrary is made apparent) he experiences a delay and denial of trial, and consequent suffering, at which our sense of humanity and justice revolts. The delay, also, furnishes the guilty time and opportunity to escape deserved punishment; an opportunity often successfully embraced, just before the term of the circuit court. In such case, without the ends of justice being subserved, or merited punishment inflicted, great expense has been incurred by the county, sufficient in many cases perhaps to have defrayed half the salary of a circuit judge. Economy, therefore, as well as the speedy administration of justice, equally demand a change in our judicial system. The length of time that intervenes between the terms of the supreme court, in many cases amounts to a denial of justice. Appeals are in many instances taken merely for delay and vexation. This occasions great disappointment and loss, to parties who are seeking the recovery of honest debts; and frequently produces the most disastrous consequences to the poor and enterprising man.

To remedy these evils, the committee respectfully report that it is expedient to appoint five additional judges, who shall be exclusively employed in holding circuit courts; and for this object submit a bill for "An act to establish an uniform system of holding circuit courts."

Which report was read, and,

On motion of Mr. Ewing,

Laid upon the table.

The bill was then read the first time, and

*Ordered* to a second reading.

Mr. Speaker laid before the Senate the following message from the Governor, viz.:

EXECUTIVE DEPARTMENT,

VANDALIA, DECEMBER 11th, 1834.

TO THE SPEAKER OF THE SENATE.

SIR:—I beg leave to inform the Senate, that a vacancy has occurred in the office of Commissioner of the Sales of the Gallatin County Saline Lands, by the resignation of the Hon. William J. Gatewood.

I have the honor to, be, Sir, your ob't. servant,  
JOSEPH DUNCAN.

Which was read; an,  
On motion of Mr. Snyder,  
Laid on the table.

The message this day received from the House of Representatives, was then taken up; and,

On the question, Will the Senate concur with the House of Representatives in the adoption of the resolution relative to printing bills, or other documents pending before either house?

It was decided in the affirmative.

The bill from the House of Representatives for "An act to increase the number of election precincts in the counties of Morgan and Madison;" was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Thomas,

The rules of the Senate were dispensed with, and said bill was read a second time by its title, when,

On motion of Mr. Thomas,

The bill was referred to the committee on Elections.

On the question of concurring with the House of Representatives in the adoption of the memorial and resolution relative to hospitals;

It was decided in the affirmative.

*Ordered* That the Secretary inform the House of Representatives thereof.

Mr. Maxwell, in pursuance of notice previously given, asked and obtained leave to introduce a bill for "An act entitled an act to amend the several acts now in force concerning justices of the peace and constables;"

Which was read, and

*Ordered* to a second reading.

Mr. Maxwell, asked and obtained leave to introduce a bill for "An act to increase the number of justices districts in Schuyler county;"

Which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Thomas,

The rules of the Senate were dispensed with, and the bill was read a second time by its title. Whereupon,

On motion of Mt. Thomas, it was

Referred to the committee on Elections.

On motion of Mr. Mills,

*Resolved*, That the committee on Elections be instructed

To inquire into the expediency of authorizing the county commissioners' courts of this state, to create as many election precincts in their respective counties, as may be necessary for the purpose of receiving all the votes of any election.

The bill from the House of Representative, entitled "An act for the benefit of the infant heirs of Willis Snyder, deceased," was then read the second time; and,

On motion of Mr. Thomas,

The rules of the Senate were dispensed with, and the bill was read a third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill for "An act concerning mortgages," was then read the second time, and,

On motion of Mr. Mather,

It was laid on the table, and ordered to be printed. Whereupon,

On motion of Mr. Gatewood,

*Ordered*, That 100 copies thereof be printed.

Mr. Hacker asked and obtained leave to introduce a bill for "An act compensating jurors;"

Which was read the first time; and;

*Ordered* to a second reading,

On motion,

The Senate then adjourned.

FRIDAY, December 12, 1834.

Senate met pursuant to adjournment.

On motion of Mr. Williams,

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of so amending the revenue laws that all taxable lands may be listed and the taxes thereon paid and collected in the counties, respectively, in which the same are situated.

On motion of Mr. Lane,

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of so amending the revenue laws, as to authorize the sheriffs to advertise in each captain's com-

pany in their respective counties, a time and place when and where, in said company, they will attend to receive the taxes due; and that they report by bill or otherwise.

Mr. Speaker appointed Mr. Thomas the committee on Enrolled bills, on the part of the Senate.

*Ordered* that the Secretary inform the House of Representatives thereof.

On motion of Mr. Snyder,

The preamble and resolution heretofore laid on the table relative to the West Point Academy, was then taken up. Whereupon,

Mr. Ewing moved to commit them to a committee of the whole house, and that they be made the order of the day for Monday next.

Which was agreed to.

A message from the House of Representatives by Mr. Prickett their Clerk.

MR. SPEAKER:—The House of Representatives have adopted the following preamble and resolution, viz:

Whereas, by an ordinance adopted by this state at the time she became a member of the Union, it was provided by the third article of said ordinance, that one-sixth of three-fifths of five per cent. of the net proceeds of all lands sold in said state, should be applied by the legislature for a college or University:

And by the 4th article it is further provided that the proceeds of the two entire townships of land should, in like manner, be under the control of the legislature for the support of a seminary of learning:

And whereas, it might be more beneficial to the people of this state, if the above specified funds could be appropriated for the support of common schools: Therefore,

*Resolved by the General Assembly of the State of Illinois*, That our Senators in Congress be instructed and our Representatives requested to use their exertions to procure the repeal of so much of said ordinance as requires the appropriation of the above funds for the support of a college or university and a seminary of learning; and that the same be under the control of the legislature for the support of common schools, or to be by the legislature applied to the purposes mentioned in the Ordinance; and the consent of the state is hereby given to the same: in the adoption of which they ask the concurrence of the Senate.

They have passed bills of the following title, viz.:

"An act relating to the clerks of the county commissioners' courts."

"An act forming an additional justices district in the county of Sangamon including the town of Athens;" and

"An act supplemental to an act entitled "An act relative to wills and testaments." In the passage of which they ask the concurrence of the Senate.

They have also adopted a "preamble and resolution relative to the establishment of ports of entry:" in the adoption of which they also ask the concurrence of the Senate.

I am directed to inform the Senate, that Messrs. Cloud and Fithian have been appointed the standing committee on Enrolled Bills, on the part of the House of Representatives.

And he withdrew.

On motion of Mr. Ewing,

The Senate went into secret session, on executive business; and the doors were closed; and,

On opening the doors;

On motion of Mr Mather,

*Resolved*, That when any nomination is made to the Senate, by the Governor, it shall be the duty of the Speaker to announce, that the same is on executive business; and that it will be acted upon with closed doors.

A message from the Governor, by Mr. Bradley:

MR. SPEAKER:—I am directed by the Governor to lay before the Senate two several communications in writing.

And then he withdrew.

On motion of Mr. Ewing,

The preamble and resolution heretofore laid on the table, in relation to the franking privilege, was taken up, and,

On motion of Mr. Ewing,

Committed to a committee of the whole house, and made the order of the day for Monday next.

The message this day received from the House of Representatives, was then taken up.

Mr. Snyder moved to amend the first resolution in said message, by striking out the words "or to be by the legislature applied to the purposes mentioned in the ordinance;"

Which was not agreed to. Whereupon,

On motion of Mr. Snyder,

The preamble and resolution were committed to a committee of the whole house, and made the order of the day for Tuesday next.

The bill from the House of Representatives, entitled "An act relating to clerks of the county commissioners' court;" was read the first time, and

*Ordered* to a second reading.

The bill from the House of Representatives, entitled "An act forming an additional justices district in the county of Sangamon, including the town of Athens:" was read the first time, and

*Ordered* to a second reading.

The bill from the House of Representatives, entitled "An act supplemental to an act entitled "An act relative to wills and testaments;" was read the first time, and

*Ordered* to a second reading:

Mr. Gatewood moved that the rules of the Senate be dispensed with, and that the bill be read a second time by its title.

Which was not agreed to.

On motion of Mr. Ewing,

The preamble and resolution from the House of Representatives relative to the "establishment of ports of entry;" was Laid on the table.

The bill for "An act to establish an uniform mode of holding circuit courts;" was then read the second time; and,

On motion of Mr. Ewing,

Committed to a committee of the whole House.

The bill for an act entitled "An act to amend the several acts now in force concerning justices of the peace and constables;" was read the second time; and,

On motion of Mr. Mather,

Referred to the committee on the Judiciary.

The bill for "An act compensating jurors;" was read a second time; and,

On motion of Mr. Davidson,

Committed to a committee of the whole House.

Mr. Williams asked and obtained leave to introduce a bill for "An act to provide for transcribing certain records therein named;"

Which was read the first time, and

*Ordered* to a second reading.

On motion,

The Senate then adjourned.

SATURDAY, December 13, 1834.

Senate met pursuant to adjournment.

Mr. Ewing asked and obtained leave to introduce the petition of sundry citizens of Fayette county, praying "that so much of the road leading from Vandalia to Shelbyville as lies in Fayette county, be declared a state road;" which was read; and,

On motion of Mr. Ewing,

Referred to a select committee.

*Ordered*, That Messrs Ewing, Jones and Williams, be the committee.

Mr. Williams asked and obtained leave to introduce the petition of sundry citizens of Adams county, praying the revival of the law passed at the last session of the Legislature, in relation to the road from Quincy to Macomb;

Which was read; and,

On motion of Mr. Williams,

Referred to the committee on Petitions.

Mr. McGahey asked and obtained leave to introduce a bill for "An act repealing an act concerning justices of the peace and constables;"

Which was read the first time; and

*Ordered* to a second reading.

On motion of Mr. McGahey,

The rules of the Senate were dispensed with, and the bill was read a second time by its title; and

Referred to the committee on the Judiciary.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed by the House of Representatives to inform the Senate that they have adopted the following resolutions, viz.:

"*Resolved by the House of Representatives*, (the Senate concurring herein) That the two houses meet in the hall of the House of Representatives, on Saturday, the 13th instant, at the hour of 11 o'clock, and then and there proceed to elect a commissioner of the Gallatin County Saline lands, to fill the vacancy occasioned by the resignation of the Hon. William Gatewood; and also, judges of probate in the several counties wherein vacancies have occurred, during the recess of the General Assembly, except in the counties of Pike and Fulton.

*Resolved, by the Senate and House of Representatives,* That the committee on Finance of both Houses be directed to inquire into the state of the Treasury, and report the same to both Houses as soon as practicable; and also, that they be required to examine the office of the Auditor of Public Accounts and report;" in the adoption of which they ask the concurrence of the Senate.

They have also passed bills of the following titles, viz:

"An Act for the relief of Douglass Merrill and William Gassaway," and "An Act concerning the revenue of the county of St. Clair, for the year 1829," in the passage of which they ask the concurrence of the Senate.

And then he withdrew. Whereupon,

Mr. Mather moved to amend the first resolution in said message by striking out the word "eleven," and inserting in lieu thereof the word "two."

Which was not agreed to.

Mr. Noel moved to amend said resolution by adding thereto "and one Senator for the next six years."

Which was not agreed to.

The question then recurring on the adoption of the resolution in said message,

It was decided in the affirmative.

*Ordered* That the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled, "An Act for the relief of Douglass Merrill and William Gassaway," was read the first time; and,

*Ordered* to a second reading. Whereupon,

Mr. Gatewood moved that the rules of the Senate be dispensed with, and that the bill be read a second time by its title,

Which was not agreed to.

The bill from the House of Representatives for "An Act concerning the revenue of the county of St. Clair for the year 1829," was read the first time; and,

*Ordered*, to a second reading.

On motion of Mr. Edwards,

The Preamble and Resolution from the House of Representatives, heretofore laid on the table in relation to "the establishment of Ports of Entry," was then taken up,

Mr. Ewing moved that the Senate concur with the House

of Representatives in the adoption of said Preamble and Resolution;

Whereupon,

On motion of Mr. Mather,

The Preamble and Resolution were referred to a select committee.

*Ordered*, That Messrs. Mather, Mills and Vance be that committee.

On motion of Mr. Snyder,

The Senate took a recess for fifteen minutes; when,

The Senate again proceeded to business.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives are now ready to receive them in the Hall of the House, and proceed to the election of a Commissioner of the Gallatin county Saline Lands, and Judges of Probate in those counties in which vacancies have occurred during the recess of the General Assembly, except in the counties of Pike and Fulton.

And he withdrew.

Whereupon,

The Honorable, the Senate, preceded by Mr. Speaker, repaired to the Representative's Hall, and then both branches of the General Assembly proceeded, *viva voce*, to elect a Commissioner of the Gallatin county Saline Lands; when,

The vote being taken, stood thus:

For Tyler D. Hewit,

Messrs. Bond, Craig, Davidson, Edwards, Ewing, Gatewood, Hacker, Jones, Lane, Maxwell, McGahey, Noel, Rattan, Snyder, Thomas, Vance, Whiteside, and Williams of the Senate: Messrs. Able, Blackwell, Bowyer, Brown, Butler, Carpenter of Hamilton, Carpenter of Sangamon, Clark, Cloud, Cunningham, Dawson, Dougherty, Dunn, Elliott, Ficklin, Fithian, Frazer, Gordon, Gregory, Hackelton, Hamlin, Hampton, Harreld, Henry, Hughes, Hunt, Hunter, Lincoln, Linck, M'Henry, McGahey, Moore, Murphey, Nunnally, Oliver, Outhouse, Owen, Ross, Rowan, Stuart, Thomas, Trower, Tunnell, Vandeventer, Webb, Whiteside, Wyatt, and Mr. Speaker, of the House of Representatives.—67.

For Mr. Greatrake,

Mr. Anderson, of the House of Representative.

For Mr. Grant,

Mr. Dubois of the House of Representatives.

Tyler D. Hewit, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected Commissioner of the Gallatin county Saline Lands, for the ensuing two years.

The two Houses then proceeded to the election of Judges of Probate by ballot.

Mr. Taylor of the Senate, and Mr. Cloud of the House of Representatives, having been appointed tellers, and an election having been had for Judges of Probate in the counties of Clinton, Coles, Iroquois, and Pope,

The following persons were found, to have respectively, received a majority of all the votes given, and were accordingly declared by the Speaker of the House of Representatives, duly elected Judges of Probate in and for their several counties, viz:

For the county of Clinton—John Omelvany.

For the county of Coles—Silvester W. Dunbar.

For the county of Iroquois—Hugh Newell.

For the county of Pope—John Raum.

And thereupon,

The Honorable, the Senate, returned to their chamber, and,

On motion,

Adjourned,

*MONDAY, December 15, 1834.*

Senate met pursuant to adjournment.

Mr. Gatewood asked and obtained leave to introduce the petition of the President and Directors of the Bank of Illinois at Shawneetown, praying a renewal of the Charter of said Bank;

Which was read.

Mr. Thomas moved to refer said petition to the committee on Finance.

Which was not agreed to.

Whereupon,

On motion of Mr. Gatewood,  
It was laid on the table, and one hundred copies ordered to  
be printed.

A message from the House of Representatives, by Mr.  
MR. SPEAKER:—I am directed to inform the Senate that the  
House of Representatives have adopted “a memorial to Con-  
gress in relation the establishment of certain mail routes with-  
in this State,” in the adoption of which they ask the concur-  
rence of the Senate.

And he withdrew.

Mr. Mitchell, the Senator elect from the counties of Taze-  
well and M'Lean, appeared, and produced a certificate of his  
election from the Secretary of State.

Whereupon,

On motion of Mr. Snyder,

He was permitted to qualify, and take his seat.

Mr. Gatewood asked and obtained leave to introduce the  
petition of Robert Ritchey, praying the Legislature to author-  
ize him to establish a Ferry across the Ohio river, opposite  
Ford's Ferry.

Which was read; and,

On motion of Mr. Gatewood,

Referred to the committee on Petitions.

Mr. Forquer, from the committee on Internal Improve-  
ments, which was instructed to inquire into the propriety of  
memorializing Congress, asking a further donation, in lands, to  
enable the State of Illinois to complete the Canal between Il-  
linois and Lake Michigan,

Reported a memorial on that subject.

Which was read; and,

On motion of Mr. Forquer,

Recommitted to the committee on Internal Improvements.

Mr. Mather, from the committee on Petitions, to whom had  
been referred the petition of Abraham Carlock, “praying for  
the passage of a law authorizing him to keep a Ferry across  
the Illinois river,”

Made the following report, viz:

The committee on Petitions to which was referred the peti-  
tion of Abraham Carlock, report:

That the petitioner represents that he is settled on the south  
west fractional quarter section fifteen, in town two north and  
range two east, situated on the Illinois river, and owned by the  
United States; and that he is desirous of having a ferry estab-

lished, by law, on said land—believing that the provisions of the existing law relative to the establishment of ferries are adequate to the exigencies of that part of the country where the desired ferry is situated. The committee are of opinion that the prayer of the petitioner ought not to be granted.

They therefore submit the following resolution.

*Resolved*, That the committee be discharged from the further consideration of said petition.

Whereupon,

On the question, Will the Senate concur with the committee in their report,

It was decided in the affirmative.

Mr. Gatewood, from the committee on the Judiciary to whom had been referred the memorial of Daniel Curtin, reported a bill, entitled,

“An Act for the benefit of Daniel Curtin.”

Which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Ewing,

*Resolved*, That the committee on Internal Improvements be instructed to enquire into the expediency of embodying in their memorial, about to be addressed to Congress relative to the right of pre-emption to the alternate reserved sections on the Canal route, and which has been recommitted to said committee, a prayer, asking for the donation of, or the pre-emption right to, the military reservation at Chicago, when the same shall be abandoned, to further enable the State to prosecute and complete the contemplated communication between Lake Michigan and the Illinois river.

Mr. Thomas, from the committee on the Judiciary to whom was referred the bill for “An act to amend an act concerning Judgments and Executions, approved January 17th, 1815,” reported the same back to the Senate with an amendment.

Which was read, and

Concurred in.

On motion of Mr. Ewing,

*Ordered*, That the bill be laid on the table, and that one hundred copies be printed for the use of the Senate.

Mr. McGahey moved the adoption of the following resolution, viz:

*Resolved*, That the committee on Internal Improvements be instructed to inquire into and report to the Senate, all the information they can obtain from the Auditor’s office and oth-

er sources, what money has been expended, and what pre-emption and grants of the Canal lands have been made to individuals.

Mr. Hacker moved to amend said resolution by inserting after the word "expended" the words, "and for what purpose," and adding the same words to the end of said resolution;

Which amendment was accepted by the mover.

The resolution was adopted.

Mr. Ewing, from the select committee to whom was referred the petition of sundry citizens of Fayette county, praying "that so much of the road leading from Vandalia to Shelbyville as lies in Fayette, be declared a state road,

Reported a bill for "An act to permanently establish the road leading from Vandalia to Shelbyville as far as the county line of Fayette county."

Which was read the first time; and

*Ordered* to a second reading.

Mr. Hacker moved for adoption the following resolution, viz:

*Resolved, by the Senate, (the House of Representatives concurring herein,) That both houses of the General Assembly meet in the Hall of the House of Representatives, on Saturday, the 20th of this inst., for the purpose of electing by joint ballot, a Senator to the Congress of the United States, for the next consecutive six years, after the expiration of the present term of the Hon. John M. Robinson.*

On the question Shall said resolution be adopted?

It was decided in the negative.—Ayes 9—Nays 16.

Those who voted in the affirmative, are,

Messrs. Craig, Davidson, Ewing, Hacker, Lane, McGahey, Noel, Rattan, and Whiteside.—9.

Those who voted in the negative, are,

Messrs. Bond, Edwards, Forquer, Gatewood, Jones, Maxwell, Mather, Mills, Mitchell, Stephenson, Snyder, Taylor, Thomas, Vance, Will and Williams.—16.

On motion of Mr. Mather,

The bill entitled "An act to amend an act for the limitation of actions and avoiding vexatious law suits;" approved February 10th, 1827," was taken up, and

Committed to a committee of the whole House.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed to inform the Senate that the

House of Representatives have adopted, a "memorial to Congress in relation to the public lands," in the adoption of which they ask the concurrence of the Senate.

And he withdrew.

On motion of Mr. McGahey,

The house resolved itself into a committee of the whole on the bill entitled,

"An act to amend an act for the limitation of actions and for avoiding vexatious law suits, approved February 10th, 1827."

Mr. Davidson in the chair;

And after sometime spent therein,

Mr. Speaker resumed the chair, and

Mr. Davidson reported,

That the committee of the whole, had according to order, said bill under consideration, made some progress therein and directed him to ask leave to sit again.

Whereupon,

The question being put, shall the committee have leave to sit again?

It was decided in the affirmative.

On motion,

The Senate adjourned until 2 o'clock, P. M.

*not*

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2 o'clock, P. M.

Senate met pursuant to adjournment.

The first message from the House of Representatives this day received, was taken up.

Whereupon,

On motion of Mr Mather,

The memorial mentioned in said message relative to the "establishment of certain mail routes," was

Referred to the committee on Internal Improvements.

The message this day last received from the House of Representatives, was then taken up, and,

On motion of Mr. Hacker,

The memorial mentioned in said message relative to the public lands, was

Laid on the table.

Mr. Speaker laid before the Senate the following communication from the Attorney General, Auditor of Public Accounts and the State Treasurer, viz:

STATE OF ILLINOIS,  
Vandalia, August, 30, 1834. }

To the Honorable, the General Assembly  
Of the State of Illinois:

In pursuance of the provisions of an act entitled "An act to abolish the office of Canal Commissioner," approved March 1st, 1833, requiring the Auditor, Treasurer, and Attorney General of the State, to examine and adjust the books, papers and vouchers, of the late Canal Commissioners, and to make a statement of their proceedings to the next General Assembly:

We have the honor to report, that we proceeded within a short time after the adjournment of the last Legislature, to examine the aforesaid books, papers and vouchers, in order to ascertain whether any of the officers aforesaid, had not faithfully and fully, accounted for, and paid over, all moneys which had come to their hands; and, considering that it was due to the board of officers, to advise them of the progress of the examination, we adjourned to meet at Vandalia at a subsequent day, and addressed letters, one to each of the Commissioners and Treasurer, informing them of our wish that they should be present, and explain, if any difficulty should arise in the examination—however, neither of the officers attended. We accordingly, on the 19th day of May, 1833, proceeded to examine the books and accounts, and to compare them with the vouchers on file. After allowing all the items in the accounts, for which vouchers could be found, we ascertained a balance against the Treasurer of the Board of Canal Commissioners, of nineteen hundred and eighty-eight dollars and seventy six and three-quarter cents, which had been received by him and not paid over.

In pursuance of another provision of the above recited law, we proceeded to examine whether any moneys had been

paid out by any of the said officers; which was not authorized by law.

The second section of the "act to provide for the construction of the Illinois and Michigan Canal," approved January 22d, 1829, provides, that the said Canal Commissioners shall have power to employ such agents, engineers, surveyors, draftsmen, and other persons, as in their opinion may be necessary to enable them to fulfil and discharge the duties imposed on them by this act, and to pay them such compensation for their services as they may think them justly entitled to.

The eleventh section of the said act further provides that the reasonable expenses incurred by said Commissioners in carrying the provisions of this act into effect, shall be paid out of the funds arising from the sales of the aforesaid lands.

The fourteenth section of the act to amend an act for the construction of the Illinois and Michigan Canal, approved February 15th; 1831, further provides that it shall be the duty of the Superintending Commissioner to cause the engineer employed by him, to ascertain, as early in the spring as the weather will permit, whether the Calumet will be a sufficient feeder for that part of the Canal between the Chicago and Des Plaines rivers, or whether the construction of a rail road is not preferable, or will be of more public utility than a Canal.

The provisions of the above recited acts vested in the said Commissioners such extensive and unlimited discretion in relation to the disbursement of the funds committed to their charge, that we are of opinion no money has been paid out which was not authorized by law.

Subsequent to our examination of the aforesaid accounts and before any suit had been commenced, James B. Campbell, late Treasurer of the Board of Canal Commissioners, paid into the Treasury the sum of nineteen hundred and fifty dollars—leaving a balance against him unpaid, of thirty-eight dollars and seventy-six and three-quarter cents, which he stated should be immediately paid over; consequently suit has not been commenced.

All of which is respectfully submitted.

JAMES SEMPLE, *Atty General,*  
JAMES T. B. STAPP, *Auditor,*  
JOHN DEMENT, *Treasurer,*

M

Which was read; and,  
On motion of Mr. Davidson,  
Laid on the table.

Mr. Ewing asked and obtained leave to introduce a bill for  
"an act making partial appropriations."

Which was read the first time; and

*Ordered* to a second reading.

On motion of Mr. Gatewood,

The rules of the Senate were dispensed with, and the bill  
was read a second time by its title.

Mr. Thomas moved to refer the bill to the committee on  
Finance;

Which was not agreed to.

Whereupon, it was

*Ordered* to be engrossed for a third reading.

On motion of Mr. Hacker,

The Senate resolved itself into a committee of the whole  
house on the preamble and resolution relative to the West-  
Point Academy,

Mr. Mather in the chair;

And after some time spent therein,

Mr. Speaker resumed the chair, and

Mr. Mather reported,

That the committee of the whole house had, according to  
order, said preamble and resolution under consideration, made  
some progress therein, and directed him to ask leave to sit  
again.

On the question, shall the committee have leave to sit again?  
It was decided in the affirmative.

On motion,

The Senate then adjourned.

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TUESDAY, December, 16, 1834.

Senate met pursuant to adjournment.

A message from the Governor, by Mr. Field, Secretary of  
State.

**MR. SPEAKER:**—I am directed by the Governor to lay before the Senate a communication in writing.

And then he withdrew.

Whereupon,

Mr. Speaker announced that the communication just received was on executive business; when the doors were closed, and

On opening the doors;

Mr. Thomas from the committee on Enrolled bills, reported:

That the joint resolution adopted by the General Assembly, instructing our Senators and requesting our representatives in Congress, to procure the passage of a law, providing for the establishment of Ports of Entry at Lafayette, Indiana, and Ottawa and Galena, Illinois; was on the 12th instant, delivered to the Governor of the State.

Mr. Ewing, from the committee on the Judiciary to which was referred the bill for "An act repealing an act concerning justices of the peace and constables," reported the same back to the Senate with sundry amendments.

Which were read; and,

On motion of Mr. Maxwell,

The bill and proposed amendments were

Laid on the table.

On motion of Mr. Maxwell,

*Resolved*, That the committee on Elections be instructed to inquire into the propriety of so amending the law concerning the election of county commissioners, as to make them elective for a term of three years; and to provide further, that one county commissioner shall be elected in each county every year.

Mr. Thomas proposed for adoption the following resolution, viz:

*Resolved*, by the General Assembly of the State of Illinois, That our Senators in Congress be instructed and our Representatives requested, to use their best exertions to procure the passage of a law, giving the state further time to comply with with the conditions and provisions of the act of Congress passed 30th March, 1822, entitled "An act to authorize the State of Illinois to open a canal through the public lands, to connect the Illinois river with lake Michigan;" and that the second section of said act be so amended as to reserve from sale the alternate sections, reserved to the United States by the act of Congress, passed 2d March, 1827, entitled "an

act to grant a quantity of land to the State of Illinois for the purpose of aiding in opening a Canal to connect the waters of the Illinois river with those of lake Michigan;" and,

On his motion it was

Referred to the committee on Internal Improvements.

A message from the House of Representatives by Mr. Prickett, their clerk,

**MR. SPEAKER:**—I am directed to inform the Senate that the House of Representatives have passed a bill of the following title, viz:

"An act for the relief of John Stockwell, sheriff of the county of Clark, and William Worthen, sheriff of the county of Jackson," in the passage of which they ask the concurrence of the Senate.

They have concurred with the Senate in the passage of a bill entitled,

"An act to organize the county of Jasper."

And he withdrew.

Mr. Davidson gave notice that on some day after to-morrow he would ask leave to introduce a bill for "an act to repeal the act regulate interest on money."

On motion of Mr. Mather,

*Resolved*, That the committee on the Judiciary be instructed to enquire into the expediency of authorizing Sheriffs to have concurrent power with constables in executing process,

On motion of Mr. Williams,

*Resolved*, That the committee on Finance be instructed to enquire whether any and what amendments are necessary to be made in the revenue laws of this State; and that they report by bill or otherwise.

The message from the House of Representatives was then taken up;

Whereupon,

The bill from the House of Representatives, entitled

"An act for the relief of John Stockwell, sheriff of the county of Clark, and William Worthen sheriff of the county of Jackson,"

Was read the first time, and

*Ordered* to a second reading.

The bill from the House of Representatives, entitled

"An act relating to clerks of the county commissioners' court;"

Was read the second time; and,

On motion of Mr. Ewing,

Referred to the committee on the Judiciary.

The bill from the House of Representatives, entitled  
"An act forming an additional justices district in the county  
of Sangamon, including the town of Athens:"

Was read the second time, and

*Ordered* to a third reading.

The bill from the House of Representatives, entitled

"An act supplemental to an act entitled "An act relative  
to wills and testaments;"

Was read the second time, and

On motion of Mr. Thomas,

Referred to the committee on the Judiciary.

The bill entitled "An act to provide for transcribing certain  
records therein named,"

Was read the second time; and

On motion of Mr. Williams,

Committed to a committee of the whole House

The bill from the House of Representatives, entitled  
"An act for the relief of Douglass Merrill and William Gas-  
away,"

Was read the second time; and

*Ordered* to a third reading.

The bill from the House of Representatives, entitled

"An act concerning the revenue of the county of St. Clair  
for the year 1829,"

Was read the second time; and

*Ordered* to a third reading.

The bill entitled "An Act for the benefit of Daniel Curtin."

Was read the second time; and

*Ordered* to be engrossed for a third reading.

The bill for "An act to permanently establish the road  
leading from Vandalia to Shelbyville as far as the county line  
of Fayette county,"

Was read the second time; and,

On motion of Mr. Ewing,

Referred to the same select committee who reported it.

The bill entitled "An act making partial appropriations,"

Was read the third time, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that  
the Secretary inform the House of Representatives therof.

On motion of Mr. Hacker,

The Senate resolved itself into a committee of the whole on

the Preamble and Resolution from the House of Representatives relative to the Seminary Fund,

Mr. Williams in the chair;

And after sometime spent therein,

Mr. Speaker resumed the chair, and

Mr. Williams reported,

That the committee of the whole had, according to order, said preamble and resolution under consideration, made some progress therein and directed him to ask leave to sit again.

On the question being put, shall the committee have leave to sit again?

It was decided in the affirmative.

Mr. Thomas moved to take up the bill heretofore laid on the table, entitled, "An act to amend the act entitled an act concerning Laidlords and Tenants," approved February 13th, 1827;"

Which was decided in the negative.

Mr. Mather moved that the Senate resolve itself into a committee of the whole house on the bill entitled "An act to establish an uniform mode of holding circuit courts;"

Whereupon,

On motion,

The Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Mather,

The Senate resolved itself into a committee of the whole house, on the bill entitled "An act to establish an uniform mode of holding circuit courts,"

Mr. Mills in the chair;

And after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Mills reported,

That the committee of the whole had, according to order, said bill under consideration, made some progress therein, and had directed him to ask leave to sit again.

The question being put, shall the committee have leave to sit again?

It was decided in the negative.

A message from the House of Representatives by Mr. Prickett their Clerk.

MR. SPEAKER:—The House of Representatives have passed bills of the following titles viz:

“An act to amend an act entitled ‘An act relating to the Attorney General and States’ Attorneys;’” and

“An act providing for the sale of the fractional sixteenth section, in township six north, range twelve west, and such other lands as have been selected in lieu of the sixteenth section, in the fractional township upon the Mississippi and Illinois rivers in Greene county;” in the passage of which they ask the concurrence of the Senate.

And he withdrew.

On motion,

The Senate adjourned,

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WEDNESDAY, December 17, 1834.

Senate met pursuant to adjournment.

Mr. Davidson from the committee on Elections, to which was referred the bill for “An act to increase the number of Justice’s districts in Schuyler county,” reported the same back to the Senate without amendment, and recommended the rejection of the same;

Whereupon,

On motion of Mr. Davidson,

The bill was laid on the table.

Mr. Davidson, from the committee on Elections, reported a bill for

“An act to amend an act entitled ‘An act to provide for the election of justices of the peace and constables,’”

Which was read the first time; and

*Ordered* to a second reading.

Mr. Ewing, from the select committee to whom was refer-

red "An act permanently to establish the road leading from Vandalia to Shelbyville as far as the county line of Fayette county," reported the same back to the Senate with an amendment.

Which was read; and

Concurred in.

*Ordered*, That the bill be engrossed and read a third time:

Mr. Noel, from the Select committee which was instructed to examine the law passed at the last session of the Legislature, granting pre-emption rights on canal lands in this state, to James B. Campbell and George E. Walker, and the deeds made to them by the late governor, and whether the selection of said lands was made in conformity with the provisions of said act, made the following report, viz;

That they have had the subject under consideration, and find, by reference to the law passed at the last session of the Legislature, that pre-emption rights were granted to the said Campbell and Walker for eighty acres of land each, without any provision made relative to the manner in which said pre-emptions should be located, except that they were not to be located within one mile of, or taken from the township in which Chicago is situated, nor from the township on the Illinois river where the contemplated canal or rail way may terminate; and that said pre-emption rights have been located by said Walker on two fractional quarters of land, fifty acres in one and thirty in the other, adjoining each other in township thirty-three north, range two east; and by Campbell, on two quarters likewise, (to-wit:) sixty-six ninety-one hundredths acres, southeast fractional quarter of section nine, in township thirty-five north, range ten east, and thirteen ten-one hundredths acres, of the north west fifteen, in the same township adjoining the first described lot of land, as appears by reference to the records in the Auditor's office; and by the same records it appears that said land has been paid for at the State price—\$1 25 per acre, and patents granted by the governor, and by reference to a plat on file in the office of Secretary of State, of said canal, it appears that the canal, as contemplated, unites with the Illinois river, in township thirty three north, range one east: The committee believe that, inasmuch as the State has recognized said plat as the canal route so far as to select the canal lands granted by an act of Congress along said route, that the law passed at the last session of the Legislature granting pre-emption rights and the location of the same,

were made in reference to said route, and that the location made by Walker of eighty acres, was made in conformity with the provisions of said act. The committee believe that the grant of sixty-six ninety-one hundredths acres of fractional quarter to Campbell was strictly in accordance with the provisions of said act; but the committee are of opinion that, a proper regard to the interest of the State would have prevented such a construction of the law, as to permit a deed to have been executed for the thirteen ten one hundredths acres from an adjoining tract. The committee cannot doubt that the Legislature intended that the eighty acres granted should be selected in the manner prescribed and practised by the general government in carrying into effect the various pre-emption laws of the United States. In the absence of any specific direction as to the mode of executing the law, the late governor has caused patents to be granted in the manner before stated; and your committee are not aware that there is any remedy except by resorting to a court of justice. They therefore submit the following resolution.

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of directing legal proceedings to be instituted for the purpose of annulling the patent issued to James B. Campbell for the said thirteen ten one hundredths acres.

Which was read; and,

On motion of Mr. Gatewood,

Laid upon the table.

The message yesterday last received from the House of Representatives, was then taken up;

Whereupon,

The bill from the House of Representatives, entitled

“An act to amend an act entitled “An act relating to the Attorney General and States’ Attorneys;”

Which was read the first time, and

*Ordered* to a second reading.

The bill from the House of Representatives, entitled

“An act for providing for the sale of the fractional sixteenth section, in township six north, range twelve west, and such other lands as have been selected in lieu of the sixteenth sections in the fractional townships upon the Mississippi and Illinois rivers, in Greene county,”

Was read the first time; and

*Ordered* to a second reading:

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—The House of Representatives have adopted the following resolution, viz:

*Resolved by the Senate and House of Representatives of the State of Illinois,* That our Senators in Congress be instructed and our Representatives be requested to use their best exertions to procure the passage of a law, authorizing the members of the several State Legislatures in the United States, to have the privilege of franking letters and newspapers to and from the citizens of the county or District they respectively represent, during the session of the respective State legislatures," in the adoption of which they ask the concurrence of the Senate.

And he withdrew.

The bill entitled "An act to establish an uniform mode of holding circuit courts," being under consideration for a third reading,

Mr. Mather moved to amend said bill by striking out the word "five," and inserting "two."

Mr. Hacker moved to amend said resolution so as to lay said bill on the table until the 4th day of July next:

Mr. Ewing moved to suspend further proceedings on said bill until 2 o'clock.

Whereupon,

On motion of Mr. Williamson,

The Senate adjourned until 2 o'clock.

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2 o'clock.

Senate met pursuant to adjournment.

The bill for "An act to establish an uniform mode of holding circuit courts," being again under consideration,

Mr. Hacker renewed his motion to lay said bill on the table until the 4th day of July next.

Which was decided in the negative.—Ayes 6—Nays 20.

Those who voted in the affirmative, are;

Messrs. Craig, Hacker, Lane, Rattan, Snyder and Williamson.—6.

Those who voted in the negative, are,

Messrs. Bond, Davidson, Edwards, Ewing, Forquer, Gatewood, Jones, Maxwell, Mather, Mills, Mitchell, McGahey, Noel, Stephenson, Taylor, Thomas, Vance, Whiteside, Will and Williams.—20.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—The House of Representatives have adopted the following resolutions, viz:

*Resolved by the Senate and House of Representatives of the State of Illinois,* That in the opinion of this General Assembly, a good road from Vincennes to Chicago, on Lake Michigan, is an improvement calculated to produce innumerable and lasting benefits to the interests of the United States, and of this State. That such a road, passing, as it would, for many miles exclusively over the public lands, would increase their value and hasten their settlement and sales while it would secure to a very large and valuable portion of the citizens of Illinois, the advantages of a commerce and intercourse with their fellow citizens on the Lakes, and the Atlantic States.

*Resolved,* That this General Assembly recommend the passage of a bill reported by the committee on the public lands in the House of Representatives at the last session, and which is now before congress; which bill provides for the appropriating of a quantity of land for constructing said road.

*Resolved,* That in the opinion of this General Assembly, the report accompanying said bill which was made by the committee on the public lands, contains a just, clear and proper view of the subject, and meets our entire approbation.

*Resolved,* That his Excellency the Governor, be requested to furnish each of our Senators and Representatives in Congress with a copy of these resolutions. In the adoption of which they ask the concurrence of the Senate.

They have also passed bills of the following titles, viz:

“An act to provide for the election of county Recorder and Surveyor.”

“An act to amend ‘An act regulating elections.’”

“An act to amend “An act regulating the mode of trying the right of property.””

“An act for the relief of William Spencer.” And

“An act to repeal an act for the relief of the securities of

Henry Boyer, late sheriff of Gallatin county," approved February 26th, 1833. In the passage of which they ask the concurrence of the Senate.

They have concurred with the Senate in the passage of the bill, entitled,

"An act making partial appropriations."

And he withdrew.

Mr. Mather moved to amend the bill entitled "An act to establish an uniform mode of holding circuit courts," by striking out the word "five," and inserting in lieu thereof the word "two."

Which was decided in the negative.—Ayes 12.—Nays 14.

Those who voted in the affirmative are,

Messrs. Bond, Edwards, Forquer, Hacker, Lane, Mather, Mills, McGahey, Rattan, Snyder, Thomas and Williamson.—12.

Those who voted in the negative, are,

Messrs. Craig, Davidson, Ewing, Gatewood, Jones, Maxwell, Mitchell, Noel, Stephenson, Taylor, Vance, Whiteside, Will and Williams.—14.

Mr. Noel then moved to lay said bill on the table; when,

On motion,

The Senate adjourned.

THURSDAY, December 18, 1834.

Senate met pursuant to adjournment.

Mr. Ewing asked and obtained leave to introduce the petition of John Marshall and Asher W. Graham, praying the Legislature to pass a law authorizing them to record deeds to lands lying in this State, in some particular county; and,

On motion of Mr. Ewing,

The reading thereof was dispensed with, and the petition Referred to the committee on Petitions.

Mr. Snyder, from the committee on Finance which was instructed to enquire into the propriety of granting a license to

grocers, and requiring them to pay a sum for said license, reported a bill for

"An act to amend an act to license and regulate taverns;"  
Which was read the first time; and  
*Ordered* to a second reading.

Mr. Hacker moved the adoption of the following resolution, viz:

*Resolved by the Senate,* (the House of Representatives concurring herein) That both houses of the General Assembly meet in the Hall of the House of Representatives, on Monday, the 22d inst. for the purpose of electing one Senator to the Congress of the United States for the next consecutive six years, after the term of the Hon. John M. Robinson.

Mr. Williamson moved to amend said resolution by striking out "22d," and inserting "18th;" which amendment was accepted by the mover.

Mr. Maxwell moved to lay said resolution on the table;  
Which was decided in the negative.—Ayes 11.—Nays 15.  
Those who voted in the affirmative, are,

Messrs. Bond, Edwards, Gatewood, Jones, Maxwell, Mather, Rattan, Snyder, Thomas, Will and Williams.—11.

Those who voted in the negative, are,  
Messrs. Craig, Davidson, Ewing, Forquer, Hacker, Lane, Mills, Mitchell, McGahey, Noel, Stephenson, Taylor, Vance, Whiteside and Williamson.—15.

Mr. Williams moved to amend the said resolution by striking out the "18th," and inserting the "20th."

Which was decided in the affirmative.—Ayes 14.—Nays 12.  
Those who voted in the affirmative, are,

Messrs. Bond, Davidson, Edwards, Gatewood, Jones, Maxwell, Mather, Mills, Rattan, Snyder, Thomas, Vance, Will and Williams.—14.

Those who voted in the negative, are,  
Messrs. Craig, Ewing, Forquer, Hacker, Lane, Mitchell, McGahey, Noel, Stephenson, Taylor, Whiteside, and Williamson.—12.

The question then recurring on the adoption of said resolution as amended,

It was decided in the affirmative.—Ayes 21.—Nays 5.

Those who voted in the affirmative, are,

Messrs. Bond, Davidson, Edwards, Ewing, Forquer, Gatewood, Jones, Lane, Maxwell, Mather, Mills, Mitchell, McGa-

hey, Noel, Rattan, Taylor, Vance, Whiteside, Will, Williams and Williamson.—21.

Those who voted in the negative, are,

Messrs. Craig, Hacker, Stephenson, Snyder and Thomas.—5.

*Ordered* that the Secretary inform the House of Representatives thereof.

The message from the House of Representatives first received on yesterday, was taken up; and

On motion of Mr. Gatewood,

The resolution from the House of Representatives in relation to the "franking privilege," was

Laid on the table.

The message from the House of Representatives last received on yesterday, was taken up; and,

On motion of Mr. Thomas,

The resolution mentioned in said message in relation to the road "leading from Vincennes to Chicago," was

Laid on the table.

The bill from the House of Representatives, entitled

"An act to provide for the election of county recorder and surveyor,"

Was read the first time, and

On the question, shall the said bill be read a second time,

It was decided in the negative.

*Ordered* That the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled

"An act to amend an act regulating elections,"

Was read the first time; and

*Ordered* to a second reading.

The bill from the House of Representatives, entitled

"An act to amend an act regulating the mode of trying the right of property,"

Was read the first time; and

*Ordered* to a second reading.

On motion,

The Senate adjourned until 2 o'clock, P. M.

2 o'clock. P. M.

Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have concurred with them in the adoption of the resolution, having for its object the election of United States Senator, on Saturday, the 20th instant, as amended by them.

Amended as follows:

After “20th instant,” insert, “11 o'clock, A. M.” in which amendment they ask the concurrence of the Senate.

And he withdrew.

On the question, will the Senate concur with the House of Representatives in their amendment to said resolution?

It was decided in the affirmative.

*Ordered* That the Secretary inform the House of Representatives thereof.

The message from the House of Representatives last received on yesterday, being under consideration.

The bill from the House of Representatives, entitled

“An act to repeal an act for the relief of the securities of Henry Boyer, late sheriff of Gallatin county, approved February 26th 1833,”

Was read the first time; and

*Ordered*, to a second reading.

The bill from the House of Representatives, entitled

“An act for the relief of William Spencer,”

Was read the first time; and

*Ordered* to a second reading.

Mr. Thomas from the committee on Enrolled bills, reported as correctly enrolled, the bills entitled

“An act making partial appropriations,” and

“An act to organize the county of Jasper;” also

The memorial of the General Assembly to the Congress of the United States, on the subject of marine hospitals, in the interior of the United States.

The act entitled “An act to establish an uniform mode of holding circuit courts,” being under consideration, for a third reading,

Mr. Hacker moved to amend said bill by striking out the word “five;”

Which was decided in the negative.—Ayes 10.—Nays 16.  
 Those who voted in the affirmative, are,  
 Messrs. Bond, Edwards, Hacker, Lane, Mills, McGahey,  
 Noel, Rattan, Snyder and Williamson.—10.

Those who voted in the negative, are,

Messrs. Craig, Davidson, Ewing, Forquer, Gatewood, Jones,  
 Maxwell, Mather, Mitchell, Stephenson, Taylor, Thomas  
 Vance, Whiteside, Will and Williams.—16.

The question recurring, shall the bill be engrossed and read  
 a third time?

It was decided in the affirmative.—Ayes 16. Nays 10.

Those who voted in the affirmative, are,

Messrs. Davidson, Ewing, Forquer, Gatewood, Jones, Max-  
 well, Mather, Mitchell, Noel, Stephenson, Taylor, Thomas,  
 Vance, Whiteside, Will and Williams.—16.

Those who voted in the negative, are,

Messrs. Bond, Craig, Edwards, Hacker, Lane, Mills, Mc-  
 Gahey, Rattan, Snyder and Williamson.—10.

The bill from the House of Representatives, entitled

“An act for the relief of John Stockwell, sheriff of the coun-  
 ty of Clark, and William Worthen sheriff of the county of  
 Jackson,”

Was read the second time; and,

On motion of Mr Mather,

Referred to the committee on the Judiciary.

The bill for “An act to amend an act entitled ‘An act to pro-  
 vide for the election of justices of the peace and constables,’”

Was read the second time, and

Whereupon,

Mr. Davidson moved to amend said bill by inserting after  
 the word “eight,” in the last section, the words “in each coun-  
 ty.”

Which was agreed to.

Mr. Thomas moved further to amend said bill by adding to  
 the last section, the following proviso, viz:

Provided, That nothing herein shall be construed to author-  
 ize any alteration in districts specially provided for by law.”

Which was not agreed to.

The question was then put, shall the bill be engrossed and  
 read a third time; and

Decided in the affirmative.

The bill from the House of Representatives, entitled

"An act to amend an act entitled an act relating to the Attorney General and States Attorneys,"

Was read the second time; when,

Mr. Hacker moved to refer said bill to a select committee.

Which was not agreed to.

Mr. Jones moved to refer said bill to the committee on the Judiciary.

Which was decided in the affirmative,

The bill from the House of Representatives, entitled

"An act providing for the sale of the fractional sixteenth section, in township six north, range twelve west, and such other lands as have been selected in lieu of the sixteenth section, in the fractional township upon the Mississippi and Illinois rivers in Greene county;"

Was read the second time; and,

On motion of Mr. Rattan,

Referred to a select committee of three.

*Ordered*, That Messrs. Rattan, Forquer and Mitchell, be the committee.

The bill from the House of Representatives, entitled

"An act forming an additional justices district in the county of Sangamon, including the town of Athens."

Was read a third time.

Mr. Davidson moved to lay said bill on the table.

Which was not agreed to.

On the question, shall said bill pass?

It was decided in the affirmative.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bills from the House of Representatives, entitled

"An act for the relief of Douglass Merrill and William Gasaway," and

"An act concerning the revenue of the county of St. Clair for the year 1829," also,

"An Act for the benefit of Daniel Curtin."

"An act to permanently establish the road leading from Vandalia to Shelbyville as far as the county line of Fayette county,"

Were severally read the third time and passed.

*Ordered* that the titles of the bills be as aforesaid, and that the Secretary inform the House of Representatives thereof.

A message from the Council of Revision, by Wm. H. Brown, their clerk.

**MR. SPEAKER:**—The Council of Revision have directed me to inform the Senate that they have approved of a bill, entitled.

“An act for the benfit of the infant heirs of Willis Snyder, deceased.”

And then he withdrew.

On motion of Mr. Thomas,

The resolutions from the House of Representatives, heretofore laid on the table, in relation to the “road leading from Vincennes to Chicago,” were taken up, and,

Referred to a select committee.

Ordered that Messrs. Thomas, Vance and Noel, be the committee.

On motion,

The Senate adjourned,

*FRIDAY, December 1, 1834.*

Senate met pursuant to adjournment.

Mr. Hacker asked and obtained leave to have his vote on the question of adopting the resolution in relation to the election of United States Senator recorded in the affirmative, (said vote having been recorded in the negative.)

Mr. Thomas from the committee on Enrolled bills, reported:

That on this day, the bill for ‘An act to organize the county of Jasper;’ and the bill for

“An act making partial appropriations,”

Were laid before the Council of Revision; and

The memorial and resolutions on the subject of Hospitals in the interior of the United States, was delivered to the governor.

Mr. Ewing asked and obtained leave to introduce the petition of Hiram C. Bennett, praying the Legislature to pass a law authorizing the sale of certain real estate; and

On motion of Mr. Ewing,

The reading thereof was dispensed with, and the petition

Referred to the committee on the Judiciary.

On motion of Mr. Mather,

The committee on Petitions to which was referred the petition of Robert Ritchey, praying the legislature to authorize him to establish a ferry across the Ohio river, opposite Ford's ferry, were discharged from the further consideration of the same; and the petition

Referred to the committee on the Judiciary.

On motion of Mr. Stephenson,

The following preamble and resolution was adopted.

WHEREAS, a large number of our citizens are now living on public lands, that were unsurveyed at the date of their location; and whereas, a still greater number are settlers on lands to which the surveys have not been extended; and whereas, the existing pre-emption laws are based upon legal sub-divisions, and therefore do not extend the benefits contemplated by the existing laws to the settlers above mentioned: Therefore,

*Resolved*, by the General Assembly of the State of Illinois, That our Senators in Congress be instructed and our Representatives requested to use their exertions to secure the passage of a law, extending to settlers on public lands, that were surveyed subsequent to their settlement, the privilege of entering one hundred and sixty acres in forty or eighty acre tracts, or either or both, under the pre-emption privilege, so as to secure their improvements when the same have been sub-divided by the lines of the public surveys.

*Ordered*, That the Secretary inform the House of Representatives thereof.

Mr. Noel, from the select committee to which was referred the Resolutions from the House of Representatives, in relation to the "road leading from Vincennes to Chicago," reported the same back to the Senate without amendment, and recommended that the Senate concur with the House of Representatives in the adoption of the same.

The question being put, will the Senate concur with the House of Representatives in the adoption of the same?

It was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

The bill entitled "An act to amend an act to license and regulate taverns,"

Was read the second time; and

On motion of Mr. Will,

Committed to a committee of the whole House.

The bill from the House of Representatives, entitled  
“An act to amend an act regulating elections,”

Was read the second time, and

On motion of Mr. Davidson,

Referred to the committee on Elections.

The bill from the House of Representatives, entitled  
“An act to amend “An act regulating the mode of trying  
the right of property,”

Was read the second time; and

On motion of Mr. Gatewood,

Referred to the committee on the Judiciary.

A message from the Governor, by Mr. Field Secretary of State.

**Mr. SPEAKER:**—I am directed by the Governor to lay before the Senate a communication in writing.

And he withdrew.

A message from the Council of Revision, by William H. Brown, Esq. their clerk.

**Mr. SPEAKER:**—The Council of Revision have approved bills of the following titles:

“An act making partial appropriations;” and

“An act to organize the county of Jasper.”

And then he withdrew.

The bill from the House of Representatives, entitled

“An act to repeal an act for the relief of the securities of Henry Boyer, late Sheriff of Gallatin county, approved February 26th, 1833,”

Was read the second time; and

*Ordered* to a third reading.

The bill from the House of Representatives, entitled

“An act for the relief of William Spencer,”

Was read the second time; and

On motion of Mr. Thomas,

Referred to the committee on the Judiciary.

The engraved bill entitled “an act to establish an uniform mode of holding circuit courts,”

Was read a third time; and

On the question, shall said bill pass?

It was decided in the affirmative.—Ayes 15.—Nays 9.

Those who voted in the affirmative, are,

Messrs. Davidson, Ewing, Gatewood, Jones, Maxwell,

Mather, Mitchell, McGahey, Noel, Taylor, Thomas, Vance, Whiteside, Will and Williams.—15

Those who voted in the negative, are,

Messrs. Bond, Craig, Edwards, Hacker, Lane, Mills, Rattan, Snyder and Williamson.—9.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The engrossed bill entitled "An act to amend an act entitled an act to provide for the election of justices of the peace and constables,"

Was read the third time.

Mr. Ewing moved to refer said bill to the committee on the Judiciary,

Which was not agreed to.

Whereupon,

The question being put shall said bill pass?

It was decided in the affirmative.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Hacker,

The Senate resolved itself into a committee of the whole house on the bill entitled "An act compensating Jurors,"

Mr. Gatewood in the chair;

And after some time spent therein,

Mr. Speaker resumed the chair, and

Mr. Gatewood reported,

That the committee of the whole house had, according to order, said bill under consideration, made sundry amendments and had instructed him to report the same to the Senate and ask their concurrence therein.

Whereupon,

On motion of Mr. Hacker,

The bill and proposed amendments were

Referred to a select committee.

*Ordered*, That Messrs. Hacker, Snyder and Davidson be the committee.

On motion,

The Senate adjourned.

SATURDAY, December 13, 1834.

Senate met pursuant to adjournment.

Mr. Speaker announced that the message received from the Governor on yesterday, was on executive business;

Whereupon,

The doors were closed; and,

On opening the doors,

Mr. Mills asked and obtained leave to introduce a bill for "An act to amend an act directing the location of a State road from Carmi in White county, to the Wabash river in Crawford county."

Which was read the first time; and

Ordered to a second reading.

Mr. Mills, asked and obtained leave to introduce a bill for "An act to incorporate the Mount Carbon Coal company,"

Which was read the first time, and

Ordered to a second reading.

A message from the House of Representatives by Mr Prickett, their clerk,

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives ask for a committee of Conference on the disagreeing vote of the two Houses, on the bill from the House of Representatives, entitled "An act to provide for the election of County Recorders and Surveyors," and have appointed Messrs, Blockburger, Whiteside and Wyatt that committee on their part.

And he withdrew.

Mr. Ewing moved that, the Committee of Conference be now appointed upon the disagreeing vote of the two Houses on the bill from the House of Representatives entitled,

"An act to provide for the election of county recorders and surveyors."—Whereupon,

On motion,

The Senate adjourned for half an hour,

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Senate met pursuant to adjournment.

A message from the House of Representatives by Mr. Prickett their Clerk.

**MR. SPEAKER:**—The House of Representatives are now ready to receive the Senate in the Hall of the House of Representatives for the purpose of proceeding to the election of an United States Senator &c."

And he withdrew.

Whereupon,

The Senate proceeded by Mr. Speaker repaired to the Hall of the House of Representatives, and then both branches of the General Assembly proceeded *viva voce* to elect a Senator to the Congress of the United States.

When the vote stood thus,

For John M. Robinson,

Messrs. Craig, Davidson, Edwards, Ewing, Forquer, Hacker, Jones, Lane, Mills, Mitchell, McGahey, Noel, Stephenson, Taylor, Whiteside, and Williamson of the Senate, and

Messrs. Able, Anderson, Blockburger, Bowyer, Carpenter of Hamilton, Carpenter of Sangamon, Clark, Cloud, Cunningham, Dawson, Dougherty, Dubois, Dunn, Ficklin, Frazer, Hampton, Harris, Henry, Hunt, Hunter, McHenry, McGahey, Manly, Murphy, Nunnally, Rowan, Thomas, Thompson, Trower, Webb, and Wyatt of the House of Representatives.

—47.

For Richard M. Young,

Messrs. Bond, Maxwell, Rattan, Snyder, Vance, Will and Williams, of the Senate; and

Messrs. Blackwell, Brown, Butler, Elliott, Fithian, Gregory, Hackelton, Hamlin, Harrel, Hughes, Lincoln, Link, Moore, Oliver, Outhouse, Owen, Ross, Stuart, Tunnell, Vandevanter, Whiteside, Wren, and Mr. Speaker of the House of Representatives.—30.

For William B. Archer,

Messrs. Gatewood, Mather, and Thomas, of the Senate, and Mr. Gordon of the House of Representatives.—4.

John M. Robinson having received a majority of all the votes given, was declared by the Speaker of the House of Representatives, duly elected a Senator to the Congress of the United States, for the term of six years, after the 4th day of March next.

And thereupon,

The honorable, the Senate, returned to their chamber, and On motion,

The Senate adjourned until Monday morning, 10 o'clock.

MONDAY, December 22; 1834.

Senate met pursuant to adjournment.

Mr. Forquer, from the committee on Internal Improvement which was instructed to inquire into the expediency of asking Congress for further donation of Land to enable the state to complete the canal between the Illinois and lake Michigan,

Reported for adoption the following resolution, viz:

*Resolved by the Senate and House of Representatives of the State of Illinois,* That our Senators and Representatives in Congress be requested to use their influence to procure the passage of a law of Congress, granting to this state the reserved alternate sections of Land, on the canal route from lake Michigan to the Illinois river, for the purpose of further aiding this state in constructing a canal or railway between said lake and the Illinois river.

*Resolved,* That they be requested to use their influence, should such a law pass, so to guard it with provisions, that the state may use the lands herself, in making the work, or dispose of them to a company, upon such terms as the legislature may provide, in order to insure the accomplishment of the work as speedily as possible.

*Resolved,* That should they not be able to procure an unconditional grant of said lands to the state, then they are hereby requested to use their exertions to procure the passage of a law, containing a pledge, that if the state will cause the work to be completed by the state or a company within ten years next after the passage of such an act, the title to the said alternate sections, shall vest in the state or her grantees.

*Resolved,* That if they cannot procure the grant to be made upon either of the terms above, that then they use their influence to obtain for the state a preference in the purchase of those lands at a reasonable price for the whole, allowing to the state a reasonable credit for the same; and that they include in any law which they may procure the passage of, relating to the canal, the military reservation or fractional section of land, on which fort Dearborn at Chicago now stands.

*Resolved further,* That they use exertions to except from the operation of any pre-emption law, all those reserved alternate sections on the canal route.

On the question, shall the report of the committee be concurred in?

It was decided in the affirmative.

*Ordered* That the Secretary inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Scates their assistant clerk.

Mr. SPEAKER:—I am directed to inform the Senate that the House of Representatives have passed a bill with the following title; viz:

“An act authorising Samuel Musick to build a toll bridge across Salt creek in Sangamon county.”

In the passage of which they ask the concurrence of the Senate.

And he withdrew.

Mr. Mather, from the select committee to which was referred the preamble and resolution relative to “the establishment of ports of entry,” reported the same back to the Senate with an amendment,

Which was concurred in.

The question was then put, Will the Senate concur with the House of Representatives in the adoption of the preamble and resolution, as amended by them? and

Decided in the affirmative.

*Ordered* That the Secretary inform the House of Representatives thereof.

Mr. Rattan, from the select committee to whom was referred the bill entitled

“An act for providing for the sale of the fractional sixteenth section, in township six north, range twelve west, and such other lands as have been selected in lieu of the sixteenth sections in the fractional townships upon the Mississippi and Illinois rivers, in Greene county,”

Reported the same back to the Senate with sundry amendments;

Which were read and concurred in.

*Ordered* that the bill be read a third time.

The message from the House of Representatives, asking for a committee of conference on the disagreeing vote of the two Houses on the bill from the House of Representatives entitled

“An act to provide for the election of county recorder and surveyor,”

Being under consideration; was,  
On motion of Mr. Noel,

Laid upon the table.

On motion of Mr. Gatewood,

The petition of the "President and Directors of the Bank of Illinois at Shawneetown;" was taken up, and

Referred to a select committee of seven.

*Ordered* That Messrs. Gatewood, Bond, Stephenson, Edwards, Forquer, Will and M'Gahey be the committee.

The message from the House of Representatives, this day received, was then taken up.

Whereupon,

The bill from the House of Representatives, entitled

"An act to authorize Samuel Musick to build a toll bridge across Salt Creek, in Sangamon county;"

Was read the first time; and

*Ordered*, to a second reading.

Mr. Hacker, from the select committee to which was referred the bill entitled "An act compensating jurors;" together with the amendments proposed thereto by the committee of the whole,

Reported the same back to the Senate without amendment.

Mr. Thomas, from the committee on Enrolled Bills,

Reported as correctly enrolled bills of the following titles, viz:

"An act for the relief of Douglass Merrill and William Gassaway."

"An act concerning the revenue of the county of St. Clair for the year 1829." And

"An act forming an additional justice's district in the county of Sangamon including the town of Athens."

A division of the question being called for, on the question Will the Senate concur with the committee of the whole in their amendments to the bill entitled "An act compensating jurors"?

The question was first put upon concurring with the committee of the whole in their first amendment to said bill; and

Decided in the affirmative.

The question was then put upon concurring with the committee of the whole, in their second amendment to said bill.

Whereupon,

Mr. Williams moved to refer the bill with the proposed amendment to the committee on the Judiciary.

Mr. Hacker moved to amend said motion so that the said

Committee should be instructed to preserve the present features of the bill.

Mr. Ewing then moved that the bill and proposed amendment be committed to a committee of the whole House,

Which was decided in the affirmative.

On motion,

The Senate then adjourned.

TUESDAY, December, 23, 1834.

Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have concurred with them in the adoption of the preamble and resolution relative to an extension of the right of preemption to settlers on the public lands.

And he withdrew.

Mr. Forquer asked and obtained leave to be excused from serving on the select committee to which was referred the petition of the President and Directors of the Bank of Illinois at Shawneetown.

*Ordered* that Mr. Mather be appointed in his place.

Mr. Noel asked and obtained leave to introduce the petition of sundry citizens of Clark and Edgar counties, praying a view and re-location of a certain road. And,

On his motion,

The reading thereof was dispensed with, and the petition referred to a select committee.

*Ordered*, That Messrs. Noel, Vance and Mills be the committee.

Mr. Mills, asked and obtained leave to introduce the petitions of sundry citizens of the counties of Wayne and Edwards, praying the legislature to pass a law authorizing Samuel Leech to raise the height of his mill dam on the Little Wabash river; which was read, and,

On motion of Mr. Mills,

Referred to a select committee.

*Ordered* That Messrs. Mills, Lane and Whiteside be that committee.

Mr. Thomas from the committee on Enrolled bills, reported:

That on this day, bills of the following titles were laid before the Council of Revision; viz:

"An act concerning the revenue of the county of St. Clair for the year 1829."

"An act forming an additional justices district in the county of Sangamon, including the town of Athens."

"An act for the relief of Douglass Merrill and William Gasaway."

Mr. Mather, from the committee on Petitions, to which was referred the petition of John Marshall and Asher W. Graham, executors of R. B. Stockton, praying the passage of a law authorizing the deeds to certain lands in this state to be recorded in some particular county; reported

That said executors represent that by said will they are directed to convey to certain creditors in Philadelphia certain tracts of land, the numbers of which are unknown to your committee: that said lands are situated in several counties, and that they are anxious for the passage of a law authorizing the deeds of conveyance which they may make to said lands, to be recorded in some one county where the greatest part of said lands lie.

To grant the prayer of said petitioners, under any circumstances, it is conceived, would be improper; as it is important that the records of the transfers of said land should be made in the counties where they are situated, that the chain of titles may be conveniently traced: and as it does not appear to your committee that serious consequences will result to the estate of the testator by refusing to act upon the subject, the existing law affording the executors all necessary facilities, are of opinion that the prayer of said petition ought not to be granted. They therefore submit the following resolution:

*Resolved*, That the committee be discharged from the further consideration of said petition.

The question being put, Shall the report of the committee be concurred in?

It was decided in the affirmative.

Mr. Thomas asked and obtained leave to introduce a bill for "An act concerning conveyances by county commissioners."

Which was read the first time, and  
*Ordered* to a second reading.

Mr. Bond asked and obtained leave to introduce a bill for  
 "An act to amend an act making appropriations for the years  
 1833 and 1834," approved March 2d, 1833;

Which was read the first time; and  
*Ordered* to a second reading.

Mr. Thomas asked and obtained leave to introduce a bill for  
 "An act allowing appeals in certain cases."

Which was read the first time; and  
*Ordered* to a second reading.

On motion of Mr. Maxwell,

The bill entitled "An act repealing an act concerning Justices of the Peace and Constables;" and the amendment proposed thereto by the committee on the Judiciary, which were heretofore laid on the table; were taken up.

Mr. Taylor moved to lay said bill and amendment on the table till the fourth day of July next.

Which was decided in the negative.—Ayes 10.—Nays 14.  
 Those who voted in the affirmative, are,

Messrs. Forquer, Hacker, Jones Lane, Mather, Mills, Rattan, Taylor, Vance, and Williamson.—10

Those who voted in the negative, are,

Messrs. Bond, Craig, Davidson, Edwards, Ewing, Maxwell, Mitchell, McGahey, Noel, Stephenson, Snyder, Thomas, Whiteside and Williams.—14.

The question was then put, Will the Senate concur with the committee in their amendment to said bill?

It was decided in the affirmative.—Ayes 17.—Nays 7.

Those who voted in the affirmative, are,

Messrs. Bond, Craig, Davidson, Edwards, Ewing, Jones, Maxwell, Mather, Mills, Mitchell, McGahey, Noel, Stephenson, Snyder, Thomas Whiteside, and Williams.—17.

Those who voted in the negative, are,

Messrs. Forquer, Hacker, Lane, Rattan, Taylor, Vance, and Williamson.—7.

On the question, Shall the bill be engrossed and read a third time?

It was decided in the negative.—Ayes 15.—Nays 10.

Those who voted in the affirmative are,

Messrs. Bond, Craig, Davidson, Edwards, Ewing, Maxwell, Mills, Mitchell, McGahey, Noel, Stephenson, Snyder, Thomas Whiteside, and Williams.—15.

Those who voted in the negative, are,  
Messrs. Forquer, Hacker, Jones, Lane, Mather, Rattan,  
Taylor, Vance, Will and Williamson.—10.

The bill entitled "An act to amend an act directing the location of a State road from Carmi in White county, to the Wabash river in Crawford county,"

Which was read the second time; and

*Ordered* to be engrossed for a third reading.

The bill entitled "An act to incorporate the Mount Carbon Coal company," was,

On motion of Mr Mather,

Was read the second time by its title; and,

On motion of Mr. Will,

Committed to a committee of the whole, and made the order of the day for Monday next.

The bill from the House of Representatives, entitled  
"An act to authorize Samuel Musck to build a toll bridge across Salt creek, in Sangamon county;"

Was read a second time; and

*Ordered* to a third reading.

The bills from the House of Representatives, entitled  
"An act to repeal an act for the relief of the securities of Henry Boyer, late sheriff of Gallatin county, approved February 26th 1833;" and

"An act providing for the sale of the fractional sixteenth section, in township six north, range twelve west, and such other lands as have been selected in lieu of the sixteenth section, in the fractional township upon the Mississippi and Illinois rivers in Greene county;"

Were severally read the third time, and passed.

*Ordered* that the titles of the bills be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Ewing,

The Senate resolved itself into a committee of the whole on the bill entitled "An act to amend an act for the limitations of actions, and for avoiding vexatious law suits;" approved 10th February, 1827, Mr. Taylor in the chair, and after some time spent therein, Mr. Speaker resumed the chair and Mr. Taylor reported:

That the committee had, according to order, had said bill under consideration, made sundry amendments thereto, and had directed him to ask the concurrence of the Senate therein.

A division of the question being called for on the question,

Will the Senate concur with the committee, of the whole in their amendments to said bill?

The question was first put on concurring with the committee in their two first amendments to said bill, and

Decided in the affirmative.

On the question, Will the Senate concur with the committee in their last amendment to said bill?

It was decided in the negative.

*Ordered* that the bill be engrossed and read a third time.

Mr. Stephenson asked and obtained leave to introduce a bill entitled "An act supplemental to an act entitled 'An act to incorporate such towns as wish to be incorporated,'"

Was read the first time; and

*Ordered* to a second reading.

On motion,

The Senate adjourned until 2 o'clock, P. M.

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Senate met pursuant to adjournment.

A message from the House of Representatives by Mr Prickett, their clerk,

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have passed bills of the following titles, viz:

"An act defining the duties of public printers, and fixing the time and manner of performing the same."

"An act for the benefit of the town of Pittsfield, in the county of Pike;" and

"An act to amend an act to establish a state road from Hillsboro' to Alton."

In the passage of which they ask the concurrence of the Senate.

They have concurred with the Senate in the passage of a bill entitled "An act for the benefit of Daniel Curtin."

They have adopted the following resolution, viz.:

*Resolved*, That Hans Patton be recommended to the Senate as a suitable person to fill the office of county surveyor for the county of Adams.

And he withdrew.

Mr. Speaker laid before the Senate the following communication from Mr. Mundy:

"TO THE SPEAKER OF THE SENATE,

The commissioners appointed by the states of Illinois and Indiana to improve the navigation of the Wabash river, in fulfilling the law of the state of Indiana, have made a scientific survey of the principal obstructions in said river. I beg leave to lay before the Senate the report of the engineer employed upon that service.

Respectfully, your ob't. serv't.

SAMUEL MUNDY.

Dec. 23d, 1834.

On motion of Mr. Mather,

The reading of the report was dispensed with, and the same was

Referred to the committee on Internal Improvements.

On motion of Mr. Thomas,

"An act to amend the act entitled An act concerning landlords and tenants;" approved Feb. 13, 1827;

Was taken up, and

Committed to a committee of the whole House.

The message from the House of Representatives just received, was then taken up. Whereupon

The bill from the House of Representatives, entitled

"An act defining the duties of public printers and fixing the time and manner of performing the same;"

Was read the first time; and

*Ordered* to a second reading.

The bill from the House of Representatives, entitled

"An act for the benefit of the town of Pittsfield, in the county of Pike;"

Was read the first time.

Mr. Thomas moved that the rules of the Senate be dispensed with, and that the bill be read a second time by its title.

Which was not agreed to.

*Ordered* that the bill be read a second time.

The bill from the House of Representatives, entitled

"An act to amend an act to establish a state road from Hillsboro to Alton;"

Was read the first time, and

*Ordered* to a second reading.

Mr. Williams moved that the Senate now confirm the nomination made by the House of Representatives, of Hans Patton for the county of Adams.

Which was decided in the affirmative,  
*Ordered*, That the Secretary inform the House of Representatives thereof.

On motion of Mr. Ewing,

The committee of the whole were discharged from the further consideration of the preamble and resolution relative to the franking privilege.

Mr. Williams asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act relating to Courts of Probate;" approved Jan. 2d, 1829;

Which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Mather,

The bill heretofore laid on the table entitled "An concerning judgments and executions;" approved Jan. 17, 1830, was taken up, and

Committed to a committee of the whole.

On motion of Mr. Gatewood,

The Senate resolved itself into a committee of the whole house on said bill, Mr. Ewing in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Ewing reported:

That the committee of the whole had, according to order, had said bill under consideration, made an amendment thereto, and had directed him to ask the concurrence of the Senate thereon. Whereupon,

On motion,

The Senate adjourned.

WEDNESDAY, December 24, 1834:

Senate met pursuant to adjournment.

On motion of Mr. Will,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the propriety of so amending the present laws, that the judges of the circuit courts shall be vested with a discretionary power to reduce the amount of the penalty in all recognizances for criminal offences, when the same shall

have been forfeited, if in their opinion the amount of such penalty shall be too great, or that the circumstances of the case will justify such reduction.

Mr. Stephenson asked and obtained leave to introduce the petition of sundry citizens of Rock Island county, in relation to a contemplated division of said county; and,

On his motion,

The reading thereof was dispensed with; and the petition Referred to the committee on Petitions.

Mr. Stephenson asked and obtained leave to introduce the petition of sundry citizens of Jo Daviess county, praying an amendment to the laws in relation to paupers; and,

On his motion,

The reading thereof was dispensed with, and the petition Referred to the committee on Petitions.

On motion of Mr. Noel,

*Resolved, by the Senate,* That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law in relation to constables, as to authorize them to receive and receipt for monies due on notes or accounts; and that such receipt, officially given, shall bind such constable, and his securities, for all monies so collected, as upon legal process of law; and that they report by bill or otherwise.

The bill entitled "An act concerning conveyances by county commissioners;" was read the second time.

Mr. Noel moved to refer said bill to a select committee.

Which was not agreed to.

*Ordered* that the bill be engrossed and read a third time.

The bill for "An act to amend an act making appropriations for the years 1833 and 1834;" approved March 2d, 1833.

Was read the second time; and,

On motion of Mr. Ewing,

Laid on the table.

The bill entitled "An act allowing appeals in certain cases;"

Was read a second time; and,

On motion of Mr. Thomas,

Referred to the committee on the Judiciary.

The bill entitled "An act supplemental to an act to incorporate the inhabitants of such towns as may wish to be incorporated;"

Was read a second time; and

*Ordered* to be engrossed for a third reading.

The bill from the House of Representatives, entitled

"An act defining the duties of public printers, and fixing the time and manner of performing the same;" was,

On motion of Mr. Ewing,

Read the second time by its title, and

Referred to a select committee.

*Ordered* that Messrs. Ewing, Snyder and Mitchell, be the committee.

The bill from the House of Representatives, entitled

"An act for the benefit of the town of Pittsfield, in the county of Pike;"

Was read a second time; and,

On motion of Mr. Williams,

Laid on the table.

The bill from the House of Representatives, entitled

"An act to amend an act to establish a state road from Hillsboro' to Alton;"

Was read the second time; and

*Ordered* to a third reading.

The bill entitled "An act to amend an act entitled 'an act relating to Courts of Probate;" approved January 2d, 1829;

Was read a second time; and,

On motion of Mr. Mills,

Referred to a select committee.

*Ordered*, That Messrs. Mills, Forquer and Craig, be the committee.

The engrossed bill entitled "An act to repeal an act concerning Justices of the Peace and Constable;"

Was read the third time and passed.—Ayes 17.—Nays 9.

Those who voted in the affirmative, are,

Messrs. Bond, Craig, Davidson, Edwards, Ewing, Gatewood, Maxwell, Mills, Mitchell, McGahey, Noel, Rattan, Stephenson, Snyder, Thomas, Whiteside and Williams.—17.

Those who voted in the negative, are,

Messrs. Forquer, Hacker, Jones, Lane, Mather, Taylor, Vance, Will and Williamson.—9.

On motion of Mr. Mather,

The title of the bill was amended so as to read "An act to repeal parts of an act entitled an act to amend the acts concerning Justices of the Peace and Constables."

*Ordered*, That the title of the bill be as amended, and that the Secretary inform the House of Representatives thereof.

The engrossed bill entitled "An act to amend an act directing the location of a state road from Carmi, in White county,

to the Wabash river, in Crawford county;" was read a third time and passed.

On motion of Mr. Mills,

The title of the bill was amended by striking out "to the Wabash river, in Crawford county," and inserting "to the county road leading from Palestine to Heath's Mill, in Lawrence county."

*Ordered*, That the title of the bill be as amended, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled

"An act to authorize Samuel Musick to build a toll bridge across Salt creek, in Sangamon county;"

Was read a third time and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The engrossed bill entitled "An act to amend an act for the limitation of actions, and for avoiding vexatious law suits;" approved 10th February, 1827;

Was read the third time and passed.—Ayes 19—Nays 7.

Those who voted in the affirmative, are,

Messrs. Bond, Craig, Edwards, Ewing, Forquer, Jones, Maxwell, Mather, Mills, Mitchell, McGahey, Rattan, Stephenson, Taylor, Thomas, Vance, Whiteside, Will, and Williams.—19.

Those who voted in the negative, are,

Messrs, Davidson, Gatewood, Hacker, Lane, Noel, Snyder, and Williamson.—7.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Hacker,

The Senate resolved itself into a committee of the whole on the bill entitled "An act to compensate jurors;" Mr. Forquer in the chair, and after some time spent therein, Mr. Speaker resumed the chair and Mr. Forquer reported:

That the committee of the whole had, according to order, had said bill under consideration, made some progress therein, and had directed him to ask leave to sit again.

On the question, Shall the committee have leave to sit again? It was decided in the affirmative.

On motion of Mr. Thomas,

Leave of absence was granted to Mr. Bond until Monday next.

Mr. Davidson moved that the Senate adjourn until Friday, 10 o'clock.

Which was decided in the affirmative.—Ayes 16.—Nays 8.

Those who voted in the affirmative, are,

Messrs. Bond, Davidson, Edwards, Forquer, Gatewood, Jones, Mills, Mitchell, Stephenson, Taylor, Thomas, Vance, Whiteside, Will, Williams and Williamson.—15.

Those who voted in the negative, are,

Messrs. Craig, Hacker, Lane, Maxwell, Mather, McGahey, Noel, and Rattan.—8.

On motion,

The Senate adjourned.

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FRIDAY, December 26, 1834.

Senate met pursuant to adjournment;

And was called to order by the Secretary. Whereupon, Mr. Will stated that the Speaker was absent upon necessary business, and would not return before Monday next; and that in order to proceed to business it would be necessary for the Senate to appoint a Speaker *pro tempore*; and thereupon,

On motion of Mr. Will,

Mr. Mather was appointed Speaker *pro tem.*

Mr. Stephenson asked and obtained leave to introduce the petition of Francis C. Shearman and Nelson R. Norton, of the town of Chicago, praying the legislature to pass a law authorizing the building of a bridge across the Calamic river; and,

On his motion,

The reading thereof was dispensed with, and the petition Referred to the committee on Internal Improvements.

Mr. Williams asked and obtained leave to introduce the petition of sundry citizens of Pike county, praying the Legislature to pass a law authorizing the location of a road from Pittsfield, in Pike county, to Quincy, in Adams county; and,

On motion of Mr. Williams,

The reading of the report was dispensed with, and the petition was

Referred to the committee on Petitions.

Mr. Forquer, from the committee on Internal Improvements, to which was referred the memorial from the House of Representatives, relative to the establishment of certain mail routes, reported the same back to the Senate, and recommended for adoption the following resolution in lieu thereof:

*Resolved by the Senate*, (the House of Representatives concurring herein) That the committees of the Senate and the House of Representatives on Petitions, through their chairmen, be instructed to address a letter to the Postmaster General representing to him the wants and wishes of the people of the different sections of this state in reference to mail facilities, and that they ascertain those wants and wishes from the Senators and Representatives of the different counties.

Mr. Gatewood moved to lay said resolution on the table.

Mr. Thomas moved to amend said motion so as to make it a motion to lay said resolution on the table until the 4th day of July next.

Which was not agreed to.

On the question Shall said resolution be laid on the table?

It was decided in the negative.

The question then recurring on the adoption of the resolution;

It was decided in the affirmative.

*Ordered* That the Secretary inform the House of Representatives thereof.

On motion of Mr. Forquer,

The said memorial was laid on the table until the 4th day of July next.

Mr. Mills, from the select committee to which was referred the petition of sundry citizens of Wayne and Edwards counties, praying the legislature to pass a law authorizing Samuel Leech to raise the height of his mill dam across the Little Wabash river; reported a bill entitled

"An act to amend an act entitled an act to amend an act entitled 'An act to authorize Edward W. Jones to erect a mill dam across the Little Wabash river,'"

Which was read the first time; and

*Ordered* to a second reading.

A message from the Council of Revision, by William H. Brown, Esq. their clerk.

MR. SPEAKER:—The Council of Revision have approved bills of the following titles:

“An act for the relief of Douglass Merrill and William Gasaway;” and

“An act forming an additional justice’s district in the county of Sangamon, including the town of Athens.”

And he withdrew.

On motion of Mr. Hacker,

*Resolved, by the Senate,* That the committee on the Judiciary be instructed to inquire into the expediency of so changing the law in relation to judgments before justices of the peace, so as to bind personal property, from the rendition of such judgment.

Mr. Gatewood asked and obtained leave to introduce a bill entitle “An act to improve the road from Equality, by Cranshaw’s Works and Cypress creek to Shawneetown;”

Which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. McGahey,

The following preamble and resolution was adopted:

Whereas there appears to be a diversity of opinions relative to the law regulating marriages, particularly with regard to those who are authorized by law to celebrate the rites of matrimony: therefore,

*Resolved,* That the committee on the Judiciary be instructed to examine the subject, and report by bill or otherwise.

On motion of Mr. Maxwell,

*Resolved,* That the committee on the Judiciary be instructed to inquire into the propriety of authorizing the Judges of Probate of the several counties in this state to issue writs of *habeas corpus* in their respective counties; and that they report by bill or otherwise.

On motion of Mr. Maxwell,

*Resolved,* That Thomas Ford, Esq. be admitted to a seat within the bar of the Senate, as reporter of the debates of the Senate.

Mr. Lane asked and obtained leave to introduce a bill entitled

“An act authorizing clerks of the circuit court to grant writs of *ne exeat*;”

Which was read the first time; and

*Ordered* to a second reading.

A message from the House of Representatives, by Mr. Scates, their assistant clerk.

MR. SPEAKER:—I am directed to inform the Senate that the

House of Representatives have adopted the following resolutions, viz:

*Resolved by the Senate and House of Representatives of the State of Illinois,* That our Senators in Congress be and they are hereby instructed, and our Representatives requested, to use their best exertions to procure the passage of a law of Congress, granting an appropriation of land scrip, or money, to be applied to the improvement of so much of the road leading from Louisville, Ky. via Vincennes, Indiana, to St. Louis, in Missouri, as is located within this state.

*Resolved,* That they use their best exertions to procure the establishment of certain mail routes hereinafter specified, viz.:

From Salem, in Marion county, to Mount Vernon, in Jefferson county.

From Bloomington, in McLean county, to Springfield, in Sangamon county.

From Mount Carmel, in Wabash county, to Maysville, in Clay county.

From Pittsfield, in Pike county, to Rushville, in Schuyler county.

*Resolved,* That his Excellency, Governor Duncan, be requested to forward to each of our members in Congress a copy of these resolutions.

In the adoption of which they ask the concurrence of the Senate.

They have concurred in the amendments of the Senate to preamble and resolution from the House of Representatives relative to the "establishment of ports of entry."

They have concurred with the Senate in the passage of a bill entitled

"An act to amend an act entitled an act to provide for the election of Justices of the Peace and Constables."

They have also concurred with the Senate in the passage of a bill entitled

"An act to permanently establish the road leading from Vandalia to Shelbyville, as far as the county line of Fayette county;" as amended by them: in which amendment they ask the concurrence of the Senate.

They have adopted the following resolution, viz.:

*Resolved,* That Samuel McHatten be nominated to the Senate, as a suitable person for county surveyor for Schuyler county.

*Resolved*, That Charles R. Bennett be nominated to the Senate as a suitable person to fill the office of county surveyor of Jo Daviess."

And he withdrew.

On motion of Mr. Ewing,

The resolutions first mentioned in said message, were Referred to a select committee.

*Ordered* that Messrs. Ewing, Davidson and Taylor be the committee.

On the question, Will the Senate concur with the House of Representatives in their amendment to the bill entitled "An act to permanently establish the road leading from Vandalia to Shelbyville, as far as the county line of Fayette county;"

It was decided in the affirmative.

*Ordered* That the Secretary inform the House of Representatives thereof.

The questions being severally put, Will the Senate confirm the nominations of Samuel McHatton for county surveyor of Schuyler county, and Charles R. Bennett for county surveyor for Jo Daviess? Were

Decided in the affirmative.

*Ordered* that the Secretary inform the House of Representatives thereof.

The engrossed bill entitled "An act concerning conveyances by county commissioners;"

Was read the third time.

Mr. Stephenson moved to amend said bill by adding thereto the following section; viz.:

"SEC. 3. That the county commissioners of the several counties of this state, may, at any time during the session of their respective courts, loan the monies of the county upon good and sufficient security, to be approved by them, at the rate of interest now allowed by law."

Mr. Hacker moved to lay the bill and proposed amendment on the table.

Which was not agreed to.

Mr. Noel moved to reconsider the vote to lay on the table. Whereupon,

Mr. Hacker moved to refer the bill and proposed amendment to a select committee.

Which was decided in the affirmative.

*Ordered* That Messrs. Hacker, Stephenson, and Maxwell be the committee.

The bill from the House of Representatives, entitled  
“An act to amend an act to establish a state road from  
Hillsboro’ to Alton;”

Was read the third time and passed.

*Ordered* that the title of the bill be as aforesaid, and that  
the Secretary inform the House of Representatives thereof.

The engrossed bill entitled “An act supplemental to an act  
entitled ‘An act to incorporate the inhabitants of such towns  
as may wish to be incorporated;”

Was read a third time and passed.

On motion of Mr. Thomas,

The title of the bill was amended so as to read “An act con-  
cerning the town of Galena.”

*Ordered* that the title of the bill be as amended, and that  
the Secretary inform the House of Representatives thereof.

On motion of Mr. Williams,

The bill from the House of Representatives, heretofore laid  
on the table, entitled

“An act for the benefit of the town of Pittsfield, in the  
county of Pike;”

Was taken up; and,

On motion of Mr. Thomas,

Referred to a select committee.

*Ordered*, That Messrs. Thomas, Williams and Rattan be the  
committee.

On motion,

The Senate then adjourned.

SATURDAY, December 27, 1834.

Senate met pursuant to adjournment.

Mr. Thomas, from the committee on the Judiciary, to which  
was referred the bill entitled “An act for the relief of John  
Stockwell, Sheriff of the county of Clark, and William Wor-  
then, sheriff of the county of Jackson;” made the following  
report, viz.:

That by the 11th section of the third article of the consti-  
tution of this state, it is declared, “there shall be elected in

each and every county in the said state, by those who are qualified to vote for members of the General Assembly, and at same times and places when the election for such members shall be held, one sheriff and one coroner, whose election shall be subject to such rules and regulations as shall be prescribed by law; the said sheriffs and coroners respectively, when elected, shall continue in office two years, be subject to removal and disqualification, and such other rules and regulations as may be from time to time prescribed by law."

The third section of the schedule to the constitution provides, that "no sheriff or collector of public moneys shall be eligible to any office in this state, until they have paid over according to law, all moneys which they may have collected by virtue of their respective offices."

The ninth section of the act concerning sheriffs and coroners, approved 12th February, 1827, provides "that if any person shall hereafter be elected sheriff of any county in this state, who has been sheriff of any county of the late territory of Illinois or of this state, and who shall at the time of his election be in arrears to the state or county for taxes, or other public money, such person shall not be commissioned; and when any such former sheriff shall be elected, and shall not within thirty days after his election, produce to the Governor a quietus from the proper officer of his county, and from the auditor of public accounts, for all moneys or revenue with which he shall be at the time chargeable, or a certificate of his having tendered the amount, the Governor shall order a new election, as in case of neglect to qualify, or refusal to serve."

It is provided by the 19th section of the act regulating elections, approved 10th January, 1829, "that when any vacancy shall happen in the office of sheriff or coroner, either by death, resignation or otherwise, the clerk of the county commissioners' court in which such vacancy shall happen, shall immediately notify the Governor of such vacancy; and it shall be the duty of the Governor to issue a writ of election, and direct the time when such election shall be held; the said writ to be directed to the said clerk."

It will be manifest from the foregoing provisions of the constitution, that the right of electing the sheriffs, is secured to the people of the counties. No provision is made in the constitution for appointing those officers in any other mode than by election. The bill under consideration proposes,

that the Governor be authorized to commission certain persons as sheriffs. If the power exists to take the right of election from the people, no reason is perceived why that power should be exercised in the present instance. But it is confidently believed that the General Assembly possesses no such power.

It appears from the bill, that John Stockwell, who is proposed to be commissioned as sheriff of Clark county, had not at the time of his election, paid over according to law, a small sum of money due the state. This fact, of itself, is a sufficient reason why the commission should not be issued; the constitution having declared him ineligible.

It does not appear from the bill, why William Worthen has not been commissioned, but the committee understand that he failed to furnish the executive with a quietus within the time required by law.

The committee have been furnished with satisfactory evidence, that he was not in arrears to the state or county for taxes or other public money, at the time of his election; and upon the question arising in his case, a majority of the committee are of opinion that it is competent for the General Assembly to pass a law authorizing the Governor to issue a commission. The committee report the bill back with amendments.

On the question Will the Senate concur with the committee in their report?

It was decided in the affirmative.

*Ordered* that the bill be read a third time.

Mr. Snyder, from the committee on Finance, which was instructed (in conjunction with the committee on Finance of the House of Representatives) to examine the offices of Auditor and Treasurer, reported:

That on the 25th instant they investigated the books, papers, and vouchers in said offices. They find, on comparing the vouchers with the exhibits and charges made by the auditor in his report, and as far as can be perceived, every warrant drawn has been authorized by law, and that the books and papers of his office are kept with great neatness and perspicuity, properly arranged for the various transactions of the office. The books, required to be made out by an act of the last Legislature, intended as a check on each of the offices, have been executed with great correctness and method, and

must prove of much utility to those interested in land claims, as well as of much importance to the state.

They have likewise examined the Treasurer's Office, and find the books, vouchers and papers in good order and neatly kept; and, as far as they could judge, corresponding in every particular, with his report of the 30th November, 1834, and give the following result since that time:

Amount of money in the Treasury, on the 30th November, 1834,	- - - - -	\$296 66
Amount paid into the Treasury since that time, up to the 25th December,	- - - - -	2999 39
		<hr/> \$3296 05

Your committee find the amount of tax refund, refunded and redemption to be	-	445 66
Warrants redeemed from 30th No- vember to 25th December,	-	1473 24
Interest on state paper,	-	67 91
		<hr/> Amount paid out, 1991 81

Leaving a balance in the treasury of	- - -	\$1304 24
Which we find in the following funds, (viz.:)		
In paper of the State Bank of Illinois,	\$337 50	
United States' Bank paper,	- 935 00	
Specie, same,	- - - 31 74	
		<hr/> \$1304 24

Leaving this amount as a balance in favor of the Treasury, on the 25th December, 1834.

Your committee are of the opinion, since the non-resident lands are sold for taxes in the counties in which they lie, that the salaries and clerk hire of the Auditor may equitably be reduced; and for that purpose they beg leave to report a bill, fixing the salaries of the Auditor and Treasurer.

Mr. Edwards, from the committee on Education, reported a bill entitled "An act concerning the School Fund;"

Which was read the first time; and

Ordered to a second reading.

On motion of Mr. Gatewood,

The rules of the Senate were dispensed with, and the bill read a second time by its title.

Mr. Forquer moved to lay said bill on the table.

Which was decided in the negative.

On the question, Shall the bill be engrossed and read a third time?

It was decided in the affirmative.—Ayes 13.—Nays 12.

Those who voted in the affirmative, are,

Messrs. Craig, Edwards, Gatewood, Mills, McGahey, Rattan, Stephenson, Snyder, Taylor, Thomas, Vance, Whiteside and Williams.—13.

Those who voted in the negative, are,

Messrs. Davidson, Ewing, Forquer, Hacker, Jones, Lane, Maxwell, Mather, Mitchell, Noel, Will and Williamson.—12.

Mr. Thomas, from the select committee to which was referred the bill entitled

“An act for the benefit of the town of Pittsfield, in the county of Pike;”

Reported the same back to the Senate, with an amendment; Which was read and concurred in.

Mr. Hacker, from the select committee to which was referred the bill entitled “An act concerning conveyances by county commissioners;” with the proposed amendment thereto;

Reported the same back to the Senate, and recommended the rejection of the amendment.

On the question, Will the Senate concur with the committee in their report?

It was decided in the affirmative.

The question was then put Shall the bill pass? And Decided in the affirmative.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Gatewood asked and obtained leave to introduce a bill entitled “An act to authorize Alexander Kirkpatrick and William Hick to build a toll bridge across the Saline creek at Equality;”

Which was read the first time; and

*Ordered* to a second reading.

On motion of Mr. Gatewood,

The rules of the Senate were dispensed with, and the bill read a second time by its title.

Mr. Gatewood moved further to dispense with the rules of the Senate, and that the bill be read a third time by its title.

Which was not agreed to.

*Ordered* to be engrossed and read a third time.

Mr. Stephenson asked and obtained leave to introduce the

petition of sundry citizens of Rock Island county, praying the Legislature to pass a law authorizing a division of said county; and,

On his motion,

The reading thereof was dispensed with; and the petition Referred to the committee on Petitions.

A message from the House of Representatives by Mr. Prickett, their clerk,

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have passed bills of the following titles, viz:

“An act to authorize Willman and Weed to establish a ferry on the Little Wabash river;” and

“An act declaring the road leading from Paris, in Edgar county, to the state line in a direction towards Terre Haute, in Indiana, a state road.”

In the passage of which they ask the concurrence of the Senate.

And he withdrew.

On motion of Mr. Taylor,

*Resolved*, That a select committee be appointed to examine the office of the Secretary of State, and report the condition of said office to the Senate.

*Ordered*, That Messrs. Forquer, Edwards and Davidson, be the committee.

The bill from the House of Representatives, entitled

“An act to authorize Willman and Weed to establish a ferry on the Little Wabash river;”

Was read the first time, and

*Ordered* to a second reading.

The bill from the House of Representatives, entitled

“An act declaring the road leading from Paris, in Edgar county, to the state line, in a direction towards Terre Haute, in Indiana a state road;”

Was read the first time; and

*Ordered* to a second reading.

The bill entitled “An act to amend an act entitled an act to amend an act entitled ‘An act to authorize Edward W. Jones to erect a mill dam across the Little Wabash river.’”

Was read a second time; and

Mr. Williamson moved to amend said bill by adding thereto the following section, viz.:—

Sec. 2. That Daniel Francisco be, and he is hereby author-

ized to build a mill dam across the Kaskaskia river, in Shelby county, on the west half of the north east quarter of section thirty-four, township twelve north, range four east, seven feet high above low water mark."

Whereupon,

On motion of Mr. Rattan,

The bill and proposed amendment were  
Referred to a select committee.

*Ordered* that Messrs. Rattan, Williamson and Stephenson, be the committee.

The Bill entitled "An act to improve the road from Equality, by Crenshaw's Works on Cyprus creek to Shawneetown;"

Was read a second time; and,

*Ordered* to be engrossed and read a third time.

The bill entitled "An act authorizing clerks of the circuit courts to grant writs of *ne exeat*;"

Was read a second time; and,

On motion of Mr. Forquer,

Referred to the committee on the Judiciary.

The question was put upon concurring with the committee of the whole in their amendments to the bill entitled

"An concerning judgments and executions;" approved Jan. 17, 1825. Whereupon

Mr Thomas moved to refer the bill and proposed amendments to the committee on the Judiciary.

Which was decided in the affirmative.

On motion of Mr. Snyder,

*Resolved*, That the committee on Seminary, School Lands, and Education, be instructed to inquire into the expediency of providing by law for the distribution of the interest arising from the school fund, annually, to the several counties in this state, for the purpose of aiding and promoting the establishment of common schools, and furnishing teachers; and that they report by bill or otherwise.

Mr. Thomas moved that the Senate now resolve itself into a committee of the whole on the bill entitled "An act to amend the act entitle an act concerning landlords and tenants;" approved Feb. 13, 1827;

Which was not agreed to.

On motion,

The Senate adjourned.

MONDAY, December 29, 1834.

Senate met pursuant to adjournment;

Mr. Speaker Jenkins in the chair:

A message from the House of Representatives, by Mr. Seates their assistant clerk:

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have passed a bill with the following title, viz:

“An act concerning public roads.”

In which they ask the concurrence of the Senate.

They have laid upon the table until the 4th day of July next, the resolution from the Senate instructing the chairmen of the committee on Petitions of both Houses, to address a letter to the Postmaster General, representing to him the wants and wishes of the different sections of this state, in reference to mail facilities, &c.

They have adopted the following resolution, viz.:

*Resolved by the Senate and House of Representatives,* That a joint select committee be appointed to draft and report resolutions instructing our Senators and requesting our Representatives in Congress to use their best exertions to procure the enactment of a law creating additional mail routes in this state; and have appointed Messrs. Thomas, Webb, and Oliver, the committee on their part:

In the adoption of which they ask the concurrence of the Senate.

They have refused to concur in the first and second amendments of the Senate to the bill from the House of Representatives entitled

“An act providing for the sale of the fractional sixteenth section, in township six north, range twelve west, and such other lands as have been selected in lieu of the sixteenth sections in the fractional townships upon the Mississippi and Illinois rivers, in Greene county;”

But have concurred in the third amendment of the Senate to said bill. And he withdrew.

Mr. Thomas, from the committee on the Judiciary, to which was referred the bill from the House of Representatives entitled “An act supplemental to an act entitled an act relative to wills and testaments;

Reported the same back to the Senate with an amendment;

Which was read and concurred in.

*Ordered* that the bill be read a third time.

Mr. Edwards, from the committee on Seminary, School Lands and Education, which was instructed to "inquire into the expediency of memorializing Congress to grant to this state other sections of land, in lieu of such of the sixteenth, or school sections, as may not be available for the purpose of the grant for which said sections were made:"

Reported a memorial on that subject; which was read and adopted.

*Ordered*, That the Secretary inform the House of Representatives thereof.

Mr. Gatewood, from the committee on the Judiciary, to which was referred the petition of Robert Ritchey, praying the passage of a law authorizing him to establish a ferry across the Ohio river, &c.: Reported

A bill entitled "An act for the benefit of Robert Ritchey;"

Which was read the first time; and

*Ordered* to a second reading.

Mr. Williams, from the committee on the Judiciary, which was instructed to inquire into the expediency of making the offices of judge of probate, county recorder, clerk of the circuit and commissioners' court incompatible at the same time and in the same person, reported:

That, in their opinion, the nature of the duties incident to those offices, affords no good reason why they should not be exercised by the same person; whilst, on the other hand, the amount of those duties (being in many instances very small) furnish a sufficient reason why they should be performed by the same person. In many counties, it is believed that on account of the small amount of fees attaching to any one of the offices, it would be difficult to procure competent officers, if they were separated, as contemplated by the resolution. The amount of fees taken separately, is inconsiderable, but when combined, it is sufficient to justify the time and attention of persons well qualified for the proper discharge of the duties of the several offices.

The time may come when the increase of population, wealth and business, will render the proposed division necessary; but in that event it is confidently believed the proper correction will be found in the exercise of the appointing power, regulated as it must be by the controlling influence of public opinion. They are therefore of opinion, that it would inex-

pedient to make those offices incompatible, as contemplated in the resolution.

Which was read and concurred in.

Mr. Gatewood, from the select committee to which was referred the memorial of the president and directors of the Bank of Illinois at Shawneetown; reported a bill entitled

"An act to extend, for a limited time, the charter of the Bank of Illinois at Shawneetown;"

Which was read the first time, and

*Ordered* to a second reading.

Mr. Ewing, from the select committee to which was referred the bill entitled "An act defining the duties of public printer; and fixing the time and manner of performing the same;"

Reported the same back to the Senate without amendment.

*Ordered* that the bill be read a third time.

Mr. McGahey asked and obtained leave to introduce a bill entitled "An act relative to schools and school lands;"

Which was read the first time; and

*Ordered*, to a second reading.

The bill from the House of Representatives, entitled "An act concerning public roads;"

Was read the first time; and

*Ordered* to a second reading.

On motion of Mr. Stephenson,

The rules of the Senate were dispensed with, and the bill read a second time by its title, and

Referred to a select committee of seven.

*Ordered* that Messrs. Stephenson, McGahey, Lane, Jones, Hacker, Edwards and Whiteside be the committee.

On motion of Mr. Mather,

The resolution from the House of Representatives having for its object the "appointment of a joint select committee to draft and report resolutions instructing our Senators and requesting our Representatives to procure the enactment of a law of Congress, creating additional mail routes in this state;"

Was laid on the table until the 4th day of July next.

On motion of Mr. Rattan,

The Senate receded from their two first amendments to the bill from the House of Representatives, entitled

"An act to provide for the sale of the fractional sixteenth section in township six north, range twelve west, and such other lands as have been selected in lieu of the sixteenth sec-

tions in the fractional townships upon the Mississippi and Illinois rivers in Greene county."

The bill from the House of Representatives, entitled

"An act to authorize Willman and Weed to establish a ferry on the Little Wabash river;"

Was read a second time; and

*Ordered* to a third reading.

The bill from the House of Representatives, entitled

"An act declaring the road leading from Paris, in Edgar county, to the state line, in a direction towards Terre Haute, in Indiana state road;"

Was read the second time; and

*Ordered* to a third reading.

The bill from the House of Representatives, entitled

"An act for the relief of John Stockwell, sheriff of the county of Clark, and William Worthen, sheriff of the county of Jackson;"

Was read a third time, as amended, and passed.

On motion of Mr. Will,

The title of the bill was amended so as to read

"An act for the relief of the sheriff of Jackson county."

*Ordered* that the title of the bill be as amended, and that the Secretary inform the House of Representatives thereof.

The engrossed bill entitled

"An act concerning the school fund;"

Was read a third time; and,

On motion of Mr. Edwards,

Laid on the table.

The engrossed bill entitled

"An act to authorize Alexander Kirkpatrick and William Hick to build a toll bridge across the Saline creek at Equality;"

Was read the third time, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The engrossed bill entitled

"An act to improve the road leading from Equality by Cranshaw's works and Cypress creek to Shawneetown;"

Was read a third time and passed.

*Ordered* that the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Williams moved for adoption the following resolution, viz.:

*Resolved, by the Senate and House of Representatives,* That our Senators in Congress be instructed and our Representatives requested to use their exertions to procure the passage of a law authorizing the survey of a route for a rail or McAdamized road from Logan's Port on the Wabash river, to Quincy, on the Mississippi river; also making a donation of land on the route to aid in the construction of said road.

Mr. Edwards moved to lay said resolution on the table.

Whereupon,

On motion,

The Senate adjourned until 2 o'clock.

Senate met pursuant to adjournment.

Mr. Rattan moved for adoption the following resolution:

*Resolved, by the Senate,* (the House of Representatives concurring herein) That, on Thursday, the first day of January, they will meet in the Hall of the House of Representatives, at 11 o'clock, A. M. for the purpose of electing one State Treasurer, one Auditor of Public Accounts, one Attorney General, and Judge of Probate for such counties where that office is vacated.

Mr. Williamson moved to lay said resolution on the table:

Which was not agreed to.

The question then recurring on the adoption of said resolution?

It was decided in the affirmative.

*Ordered* That the Secretary inform the House of Representatives thereof.

On motion of Mr. Mills,

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of providing by law for loaning, annually, the interest accruing from the Seminary fund, with a view to augment, as rapidly as possible, said fund, until otherwise disposed of by law.

On motion of Mr. Mather,

*Resolved*, That the Auditor of Public Accounts be requested to communicate to the Senate whether there are any evasions of the revenue laws by non-residents, in relation to listing their lands for taxation, which are injurious to the interest

of the state. And if so, what measures, if any, have been adopted by him to prevent such evasion.

Mr. Gatewood moved for adoption the following resolution, viz.:

*Resolved*, That the twelfth rule of the Senate be dispensed with, and that the following be substituted therefor:

"While the Speaker is putting any question or addressing the Senate, or while any matter or thing is being read from the table by the clerk, no person shall be permitted to walk out of or across the Senate Chamber; nor shall any one be permitted to entertain private discourse in any such case; nor shall any one be permitted to occupy a seat within the bar of the chamber, except a member of the Senate, or the clerks, unless specially invited."

*Resolved*, That the following be added to the 23d rule of the Senate, viz.:

"The Segeant-at-Arms shall also receive from the printer, all bills and other documents, ordered to be printed by the Senate, and distribute them to the members, or at their seats, according to their proportion; and also to furnish to the Clerk of the House of Representatives their proportion of any bill or other document printed by order of the Senate for their use, and to keep an account of the same with the printer; and also to furnish to each member at his seat, a sufficiency of stationary."

25th. "The Speaker, unless otherwise directed by the Senate, shall appoint all select committees, which appointment shall be made at the time of their being ordered by the Senate, and forthwith announced by the Secretary at his desk; and the matter referred either to such select committee or to a standing committe, and the document relating thereto shall be immediately handed to the chairman of such committee."

A division of the question being called for on the adoption of said resolutions:

The question was first put on the adoption of the first resolution? and

Decided in the affirmative.

On motion of Mr. Ewing,

The vote just taken on the adoption of said resolution was reconsidered.

Whereupon,

On motion of Mr. Mather,

The Senate then resolved itself into a committee of the whole on said resolutions;

Mr. Williamson in the chair;

And after some time spent therein,

Mr. Speaker resumed the chair, and Mr. Williamson reported:

That the committee of the whole had, according to order, had said resolutions under consideration, and had amended the same by striking out all after the word "*Resolved*," and directed him to ask the concurrence of the Senate to the same.

Whereupon,

Mr. Ewing moved to amend the report of the committee of the whole, by inserting the following:

"Rule 25. That the Sergeant-at-Arms be required to conform, in all respects, to the rules adopted by the Senate for its own government, and perform all other duties which the chair may require of him, regarding all things affecting the comfort and convenience of the chair and members."

Which was agreed to.

The question was then put, will the Senate concur with the committee in their report, as amended? and

Decided in the affirmative.

On motion,

The Senate adjourned.

TUESDAY, December, 30, 1834.

Senate met pursuant to adjournment.

A message from the House of Representatives by Mr. Prickett, their clerk,

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have passed a bill of the following title, viz:

"An act to move the seat of justice of Clark county,"

In the passage of which they ask the concurrence of the Senate.

And he withdrew.

*Ordered,* That Mr. Mitchell be appointed a member of the standing committee on Internal Improvements.

Mr. Edwards, from the committee on Seminary, School Lands, and Education, which was instructed "to inquire into the expediency of providing by law for the distribution of the interest arising from the school fund, annually, to the several counties in this state, for the purpose of aiding and promoting the establishment of common schools;" &c. reported a bill entitled

"An act to provide for the distribution and application of the interest on the School, College, and Seminary Funds;"

Which was read the first time; and

*Ordered* to a second reading.

On motion of Mr. Hacker,

The rules of the Senate were dispensed with, and the bill read a second time by its title.

Whereupon,

On motion of Mr. Hacker,

The bill was laid on the table, and one hundred copies ordered to be printed.

Mr. Williams, from the committee on Petitions, to which was referred the petition of sundry citizens of Adams county, praying the "establishment of a road from Quincy, in Adams county, to Macomb, in McDonough county;" reported a bill entitled

"An act to amend an act entitled an act to locate a state road from Quincy, in Adams county, to Macomb, in McDonough county;" approved February 12, 1833;"

Which was read the first time, and

*Ordered* to a second reading.

Mr. Snyder, from the committee on Finance, which was instructed to inquire into the expediency of so "amending the revenue law as to make it the duty of the county commissioners' court to appoint some person in each captain's company, to receive a list of the taxable property, and that they be exempt from some public duty as a compensation for said services;" as well as "authorizing the sheriff to advertise in each captain's company the time when he will attend to receive the tax due;" made the following report, viz.:

That said committee can see no good reason for changing the present mode. That by the contemplated alteration, the duty of assessing, would devolve on a great number of men, who would have but little inducement to punctually perform

that duty; and they believe would create much confusion and incorrectness. The present mode of assessing is attended with a moderate expense; and as far as the committee can learn, without any inconvenience to the citizens. Neither can they see the propriety of multiplying officers for that purpose. Neither can the committee see the propriety of compelling sheriffs to advertise, in each company, when they will receive the taxes due. By the present law it is made their duty to call at every man's house for his taxes; which must be more convenient to the citizens than any other mode. The sheriff is allowed much time to make his collections, by the present law; and the committee know of no instances that those officers act oppressively, in collecting the taxes.

The committee therefore instruct me to ask that the Senate may discharge them from the further consideration of the subject.

The question was then put Shall the committee be discharged from the further consideration of the subject? and

Decided in the affirmative.

Mr. Davidson, from the committee on Elections, to which was referred the communication from the Secretary of State, relative to the votes given for the seat of government, made a report in relation thereto;

Which was read; and,

On motion of Mr. Ewing,

The report and accompanying documents were

Laid on the table.

Mr. Bond, from the committee on Finance, to which was referred the petition of John Jameson;

Reported unfavorably to the prayer of said petitioner, and asked that the committee be discharged from the further consideration thereof.

On the question,

Shall the committee be discharge from the further consideration of said petition?

It was decided in the affirmative.

Mr. Ewing, from the select committee to which was referred the resolutions from the House of Representatives relative to the road leading from Louisville to St. Louis; the establishment of certain mail routes, &c.

Reported the first of said resolutions back to the Senate without amendment.

On the question,

Will the Senate concur with the House of Representatives in the adoption of said resolution?

It was decided in the affirmative.

*Ordered* that the Secretary inform the House of Representatives thereof.

Mr. Taylor, from the select committee appointed to draft a memorial to Congress praying for the establishment of a Surveyor General's office for the state of Illinois;

Reported a memorial on that subject.

Mr. Thomas moved to commit said memorial to a committee of the whole:

Which was not agreed to.

Mr. Thomas then moved to lay said memorial on the table; Which was decided in the negative.

The memorial was then adopted.

*Ordered* That the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to move the seat of justice of Clark county;"

Was read the first time, and

*Ordered* to a second reading.

The bill entitled

"An act for the benefit of Robert Richey;"

Was read a second time; and,

On motion of Mr. Ewing,

Laid on the table.

The bill entitled

"An act to extend, for a limited time, the charter of the Bank of Illinois at Shawneetown;"

On motion of Mr. Ewing,

Was read a second time by its title; and,

Committed to a committee of the whole House.

The bill from the House of Representatives, entitled

"An act supplemental to an act entitled an act relative to wills and testaments;"

Was read a third time, as amended, and passed.

On motion of Mr. Thomas,

The title of the bill was amended so as to read "and providing for the appointment of testamentary guardians."

*Ordered*, That the title of the bill be as amended, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled

"An act defining the duties of public printers, and fixing the time and manner of performing the same;"

Was read the third time and passed.

*Ordered*, That the title of the bill be as amended, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled

"An act for the benefit of the town of Pittsfield in the county of Pike;"

Was read a third time, as amended, and passed.

On motion of Mr. Thomas,

The title of the bill was amended so as to read "An act concerning the towns of Pittsfield and Chester."

*Ordered*, That the title of the bill be as amended, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled

"An act to authorize Willman and Weed to establish a ferry on the Little Wabash river;"

Was read the third time and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled

"An act declaring the road leading from Paris, in Edgar county, to the state line in a direction towards Terre Haute, in Indiana, a state road."

Was read the third time: when,

On motion of Mr. Noel,

The bill was referred to a select committee.

*Ordered*, That Messrs. Noel, McGahey, and Lane, be the committee.

The bill entitled

"An act relative to schools and school lands;"

Was read the second time; and,

*Ordered* to be engrossed for a third reading.

On motion of Mr. Bond,

*Resolved*, That the committee on the Judiciary, be instructed to inquire into the expediency of so amending the law concerning judgments and executions, as to allow any officer having served process issuing out of any court of justice in this state, on real estate, to sell the same at the county seat of the county in which the most of the lands lie executed by him as aforesaid; subject, however, to be governed by the wishes of the defendant in execution, as to the county seat at which said lands shall be exposed to sale, when the same may

lie in more counties than one, should he inform said officer of his desire, by written notice.

On motion of Mr. Maxwell,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the necessity of so amending the criminal laws of this state, as to make it an indictable offence to counterfeit bank bills or to pass any counterfeit bank bills or notes of any bank regularly established by law, of the United States, or of any state or territory; and that they report by bill or otherwise.

On motion,

The Senate adjourned until 2 o'clock.

Senate met pursuant to adjournment.

Mr. Rattan, from the select committee to which was referred the bill entitled

"An act to amend an act entitled an act to amend an act entitled 'An act to authorize Edward W. Jones to erect a mill dam across the Little Wabash river.'"

Reported the same back to the Senate with sundry amendments;

Which were read and concurred in.

*Ordered* that the bill be engrossed for a third reading.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—The House of Representatives have adopted the following resolution, viz:

*"Resolved by the House of Representatives* (the Senate concurring herein) that a joint select committee of both houses be appointed to inquire into and ascertain whether the laws and journals were printed and delivered in conformity with the joint resolution of both Houses of the last legislature; and ascertain the different sums that have been paid out of the state treasury to the different persons who were employed in the performance of said work;" and have appointed Messrs. Carpenter, of Hamilton, Blackwell, and Fithian, the committee on their part;

In the adoption of which they ask the concurrence of the Senate. And he withdrew.

On the question,

Will the Senate concur with the House of Representatives in the adoption of said resolution?

It was decided in the affirmative.

*Ordered* that Messrs. Snyder and Jones be the committee on the part of the Senate; and that the Secretary inform the House of Representatives thereof.

Mr. Thomas asked and obtained leave to introduce a bill entitled

"An act further defining the powers and duties of trustees of incorporated towns;"

Which was read the first time; and

*Ordered* to a second reading.

Mr. Noel, from the select committee to which was referred the bill from the House of Representatives entitled

"An act declaring the road leading from Paris, in Edgar county, to the state line, in a direction towards Terre Haute, in Indiana a state road;"

Reported the same back to the Senate with an amendment;

Which was read and concurred in.

On the question, Shall the bill pass?

It was decided in the affirmative.

*Ordered* that the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Thomas,

The bill entitled "An act to amend an act making appropriations for the years 1833 and 1834;" approved March 2d, 1833;" which was heretofore laid on the table,

Was taken up; and,

On motion of Mr. Hacker,

Referred to the committee on Finance.

On motion of Mr. Will,

The vote this day taken on the passage of the bill from the House of Representatives entitled.

"An act defining the duties of public printer; and fixing the time and manner of performing the same;"

Was reconsidered.

Whereupon,

Mr. Mather moved to commit said bill to a committee of the whole. When,

On motion,

The Senate adjourned.

WEDNESDAY, December 31, 1834.

Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have concurred with them in the passage of a bill entitled

“An act to establish an uniform mode of holding circuit courts.”

And then he withdrew.

Mr. Snyder asked and obtained leave to introduce the petition of sundry citizens of St. Clair and Monroe counties, praying the Legislature to pass a law “establishing another ferry on the Mississippi river, opposite St. Louis;” and,

On motion of Mr. Snyder,

The reading thereof was dispensed with; and the petition Referred to a select committee.

Ordered that Messrs. Snyder, Bond and Edwards be the committee.

Mr. Maxwell asked and obtained leave to introduce the petition of sundry citizens of Schuyler county, praying the Legislature to pass a law “declaring Crooked creek, in said county, a navigable stream.”

On motion of Mr. Maxwell,

The reading thereof was dispensed with, and the petition Referred to a select committee.

Ordered that Messrs. Maxwell, Rattan and Williams, be the committee.

Mr. Maxwell asked and obtained leave to introduce the memorial of sundry citizens of Schuyler county, praying the Legislature to pass a law authorizing the “construction of a canal between lake Michigan and the Illinois river;” and

On his motion,

The reading thereof was dispensed with, and the memorial Referred to the committee on Internal Improvements.

Mr. Edwards, from the committee on Seminaries, School Lands, and Education, which was instructed to “inquire into the expediency of so amending the law concerning school lands as to enable the inhabitants of any township wishing the same, to lease the sixteenth section or other lands set apart in

lieu thereof, for school purposes; and that they report by bill or otherwise;" reported a bill entitled

"An act to amend an act entitled 'An act to provide for the application of the interest of the fund arising from the sale of school lands belonging to the several townships in this state:'" approved 1st March, 1833.

Which was read the first time; and

*Ordered* to a second reading.

Mr. Stephenson, from the select committee to which was referred the bill from the House of Representatives entitled

"An act concerning public roads,"

Reported the same back to the Senate without amendment.  
Whereupon,

On motion of Mr. Mather,

The bill was committed to a committee of the whole.

Mr. Hacker then moved that the Senate now resolve itself into a committee of the whole on said bill.

Which was not agreed to.

On motion of Mr. Davidson,

*Resolved by the Senate and House of Representatives*, That a joint select committee of five of each House, one to be selected from each of the present judicial circuits, be appointed to so apportion and lay off the counties of this state, as to form six circuits; in which circuit courts shall hereafter be held: and that they report by bill or otherwise.

*Ordered* that Messrs. Davidson, Gatewood, Ewing, Maxwell and Taylor, be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereto.

Mr. Thomas moved that the second of the resolutions from the House of Representatives relative to the establishment of certain mail routes, which were reported back on yesterday from the select committee, be laid on the table until the fourth day of July next.

Which was not agreed to.

Whereupon,

On motion of Mr. Maxwell,

The said resolution was laid on the table; and,

On motion of Mr. Ewing,

The third of said resolutions, was also

Laid on the table.

Mr. Thomas asked and obtained leave to introduce a bill entitled

"An act concerning the appropriation of the revenue of the several counties in this state;"

Which was read the first time, and

*Ordered* to a second reading.

The bill entitled

"An act to amend an act entitled an act to locate a state road from Quincy, in Adams county, to Macomb, in McDowell county;" approved February 12, 1833;"

Was read a second time; and

*Ordered* to be engrossed for a third reading.

The bill from the House of Representatives, entitled

"An act to move the seat of justice of Clark county;"

Was read a second time; and,

On motion of Mr. Noel,

Referred to a select committee.

*Ordered* that Messrs. Noel, Thomas and Mitchell, be the committee.

The bill entitled "An act further to define the powers and duties of trustees of incorporated towns;"

Was read the second time.

On the question Shall the bill be engrossed and read a third time?

It was decided in the negative.

On motion of Mr. Ewing,

The vote just taken on engrossing said bill for a third reading was reconsidered.

Whereupon,

Mr. Maxwell moved to refer said bill to a select committee.

Mr. Hacker moved to amend the motion so as to commit said bill to a committee of the whole;

Which was not agreed to.

The question then recurring on the reference of said bill to a select committee?

It was decided in the affirmative.

*Ordered* that Messrs. Maxwell, Mather and Thomas, be the committee.

The engrossed bill entitled

"An act relative to schools and school lands;"

Was read a third time; and,

On motion of Mr. Thomas,

Referred to the committee on Seminaries, School Land, and Education.

The engrossed bill entitled

"An act to amend an act entitled an act to amend an act entitled 'An act to authorize Edward W. Jones to erect a mill dam across the Little Wabash river."

Was read a third time, and passed.

On motion of Mr. Rattan,

The title of the bill was amended so as to read "An act to authorize certain persons to erect mill dams."

*Ordered* that the title of the bill be as amended, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Mather,

The bill from the House of Representatives, entitled

"An act defining the duties of public printer; and fixing the time and manner of performing the same;" was

Committed to a committee of the whole.

On motion of Mr. Will,

The committee of the whole were discharge from the further consideration of the bill entitled

"An act to incorporate the Mount Carbon Coal Company."

*Ordered* that the bill be engrossed for a third reading.

On motion of Mr. Mather,

The Senate then resolved itself into a committee of the whole on the bill entitled "An act defining the duties of Public Printers, and fixing the time and manner of performing the same:

Mr. Snyder in the chair,

And after some time spent therein,

Mr. Speaker resumed the chair, and Mr. Snyder reported: That the committee of the whole had, according to order, had said bill under consideration, had amended the same by striking out the second section, and directed him to ask the concurrence of the Senate therein.

On the question of concurring with the committee in their amendment to said bill?

It was decided in the affirmative.

On motion of Mr. Maxwell,

The bill was then referred to a select committee.

*Ordered* that Messrs. Maxwell, Williamson and Gatewood, be the committee.

On motion of Mr. Williams,

The resolution offered some days since in relation to the construction of a rail road from Logan's Port, on the Wabash river, to Quincy, on the Mississippi, &c. was

Referred to a select committee.

*Ordered* that Messrs. Williams, Forquer and Vance, be the committee.

On motion of Mr. Ewing,

*Resolved*, That a select committee of five be appointed to inquire into the expediency or inexpediency of repealing the law passed at the last session of the legislature providing for the permanent location of the seat of government of Illinois.

*Ordered* that Messrs. Ewing, Taylor, Edwards, Stephenson and Gatewood, be the committee.

On motion,

The Senate adjourned until 2 o'clock.

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2 o'clock, P. M.

Senate met pursuant to adjournment.

Mr. Gatewood moved for adoption the following preamble and resolutions, viz.:

"Whereas all that portion of the public domain lying within the limits of the Shawneetown and Kaskaskia land districts, has been in market now for twenty years, and much of those lands have been sold by the government, and the best selections have long since been made:

And whereas that portion of the state of Illinois was, many years ago, the only inhabited part of the state, but that since that time emigration has advanced northward, and public attention has more than ordinarily been drawn towards the northern section of this growing state; and while this has been going on, the eyes of Congress seems to have been turned almost exclusively, to the contemplation of the magic-like march of that enchanting land. Delighted at the progress of things there, it is not unkind or selfish to call the attention of Congress to that old and almost forgotten germ of the state. While public works of vast magnitude and importance are progressing in other sections of the state that seem to have every fertility of soil and innumerable advantages, thus increasing the demand for the public domain, and enhancing the value of property, this section has comparatively stood still:

And whereas, the country between Shawneetown and St.

Louis, and that whole section of the state might be vastly benefitted by a donation of land to aid in the construction of a road from Shawneetown through Franklin county to St. Louis.

*Resolved*, That the Senators of this state in Congress are hereby instructed and our Representatives requested to procure the passage of a law granting certain lands to aid in the construction of a road leading from Shawneetown, through Franklin county, to St. Louis.

*Resolved*, That by such a grant of land, many advantages would accrue to that section of country, in the increase of transportation facilities and the accession of population; and also that it would tend to develope the resources of that region of the country, by giving life and activity to commerce and agriculture; and be the means of increasing the demand and sale of the public domain in all those land districts before mentioned.

Mr. Thomas moved to amend said resolutions by adding thereto the following resolution:

*Resolved*, That, in the opinion of this General Assembly, the improvement contemplated in the foregoing resolutions would be of a national character; and that the funds of the nation may constitutionally be applied in aid thereof.

Mr. Gatewood moved to lay said resolution on the table.

Which was decided in the affirmative.—Ayes 19.—Nays 4.

Those who voted in the affirmative, are,

Messrs. Craig, Davidson, Edwards, Ewing, Gatewood, Hacker, Jones, Lane, Maxwell, Mills, Mitchell, McGahey, Noel, Stephenson, Snyder, Whiteside, Will, Williams and Williamson.—19.

Those who voted in the negative, are,

Messrs, Bond, Mather, Rattan, and Thomas.—4.

On motion of Mr. Gatewood,

The resolutions were amended by inserting, after the word “*Resolved*,” the words “*by the General Assembly;*”

The question then recurring on the adoption of the preamble and resolutions?

It was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

On motion of Mr. Gatewood,

The Senate resolved itself into a committee of the whole

on the bill entitled "An act to extend for a limited time the charter of the Bank of Illinois, at Shawneetown;"

Mr. Jones in the chair,

And after some time spent therein,

Mr. Speaker resumed the chair, and Mr. Jones reported:

That the committee of the whole had, according to order, had said bill under consideration, had amended the same by striking out the word "June," in the 3d section, and inserting in lieu thereof the word "May:" and by striking out the 4th section; and adding the following to the 3d section, viz.:

"The premium for which said stock shall be sold, shall be paid into the state treasury for the use of the people of the state;"

And had directed him to ask the concurrence of the Senate therein.

On the question,

Will the Senate concur with the committee in their amendments to said bill?

It was decided in the affirmative.

On motion of Mr. Stephenson,

The bill was then laid on the table; and,

On motion of Mr. Gatewood,

*Ordered* that one hundred copies of said bill and of the original charter of said bank, be printed for the use of the Legislature.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have concurred with them in the adoption of the resolution having for its object the election of Treasurer, Auditor, &c., on Thursday next, at 11 o'clock, A. M. in the Hall of the House of Representatives.

They have also concurred with the Senate in the passage of bills entitled

"An act concerning conveyances by county commissioners;"

"An act concerning the town of Galena;" and

"An act to amend an act directing the location of a state road from Carmi, in White county, to the county road leading from Palestine to Heath's mill, in Lawrence county."

They have passed a bill entitled

"An act to authorize the county commissioners of Pike county, to sell certain property therein named."

In the passage of which they ask the concurrence of the Senate.

And he withdrew.

The bill from the House of Representatives last mentioned in said message,

Was then read the first time; and

*Ordered* to a second reading.

On motion of Mr. Williams,

The rules of the Senate were dispensed with, and the bill read a second time by its title, and

*Ordered* to a third reading.

On motion,

The Senate adjourned.

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{ THURSDAY, January 1, 1835.

Senate met pursuant to adjournment.

Mr. Snyder asked and obtained leave to introduce the petition of sundry citizens of St. Clair county, praying the location of a road from Lebanon towards Vandalia; and,

On his motion,

The reading thereof was dispensed with; and the petition Referred to a select committee.

*Ordered* that Messrs, Snyder, Williamson and Craig, be the committee.

Mr. Maxwell asked and obtained leave to introduce the petition of Charles Bacon, William A. Minshall and Abraham Marshall; which was read; and

Referred to a select committee.

*Ordered* that Messrs. Maxwell, Williams and Rattan, be the committee.

On motion of Mr. Snyder,

Leave of absence was granted to Mr. Mather for ten days.

A message from the House of Representatives, by Mr. Scates, their assistant clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have adopted the following resolutions, viz:

*"Resolved by the House of Representatives* (the Senate concurring herein) That a joint select committee of eight from the House of Representatives and four from the Senate, be appointed to draft and report a bill laying off the state into six judicial circuits, and regulating the terms of holding courts therein, and fixing the salaries of the Circuit Judges;" and have appointed Messrs. Stuart, Frazer, Fithian, Brown, Butler, Ross, Hughes and Thompson, the committee on their part;

In the adoption of which they ask the concurrence of the Senate.

They have laid on the table until the fourth day of July next the bill from the Senate entitled

"An act to repeal parts of an act entitled an act to amend the acts concerning justice of the peace and constables.

And he withdrew.

On motion of Mr. Mills,

*Resolved*, That the committee on the Judiciary, be instructed to inquire into the expediency of reporting all the laws now in force, and which were omitted to be printed in the revised code of 1833; and that the same be now published with the laws of this session.

On motion of Mr. Maxwell,

*Resolved*, That the appointment of Samuel McHattan, as county surveyor for Schuyler county, made by the Senate some days since, be vacated; for the reason that said office was not vacant.

On motion,

The Senate took a recess until 11 o'clock.

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11 o'clock, A. M.

The Senate again proceeded to business.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives are ready to receive them in the Hall of the House of Representatives, for the purpose of proceeding to the election of State Treasurer, Auditor of Public Accounts, Attorney General, &c.

And he withdrew. Whereupon,

The Senate, preceded by Mr. Speaker, repaired to the Representatives' Hall, and there both branches of the General Assembly proceeded, *viva voce*, to elect an Auditor of Public Accounts; when the vote stood thus:

For James T. B. Stapp,

Messrs. Craig, Davidson, Edwards, Ewing, Jones, Lane, Mills, Mitchell, McGahey, Vance, Whiteside, Williams, and Williamson, of the Senate; and

Messrs. Anderson, Blackwell, Boyer, Brown, Butler, Carpenter of Hamilton, Clark, Cunningham, Dunn, Elliott, Ficklin, Fithian, Frazer, Gregory, Hackelton, Hamlin, Hampton, Hunt, Lincoln, McHenry, McGahey, Manly, Nunnally, Oliver, Owen, Ross, Rowan, Stuart, Thomas, Trower, Vandevanter, Webb, and Wren, of the House of Representatives.

—46.

For John D. Whitesides,

Messrs. Bond, Forquer, Maxwell, Noel, Rattan, Stephenson, Snyder, Taylor, and Thomas, of the Senate; and

Messrs. Able, Blockburger, Carpenter of Sangamon, Cloud, Dawson, Dougherty, Dubois, Gordon, Harreld, Harris, Henry, Hughes, Hunter, Link, Moore, Outhouse, Thompson, Tunnell, Wyatt, and Mr. Speaker; of the House of Representatives.—29.

For Mr. Archer—Mr. Gatewood of the Senate.—1.

For Mr. Crockett—Mr. Hacker of the Senate.—1.

For Mr. Brown—Mr. Mather of the Senate.—1.

For Mr. Sprigg—Mr. Will of the Senate.—1.

James T. B. Stapp having received a majority of all the votes given, was declared duly elected Auditor of Public Accounts, for the ensuing two years.

The two Houses then proceeded to the election of a State Treasurer; when the vote stood thus:

For John Dement,

Messrs. Craig, Edwards, Ewing, Forquer, Gatewood, Hacker, Jones, Lane, Maxwell, Mills, Mitchell, McGahey, Noel, Rattan, Stephenson, Snyder, Taylor, Vance, Whiteside, Will, and Williamson, of the Senate; and

Messrs. Able, Anderson, Blackwell, Blockburger, Boyer, Brown, Butler, Carpenter of Hamilton, Carpenter of Sangamon, Clark, Cloud, Cunningham, Dawson, Dougherty, Dunn, Elliott, Ficklin, Fithian, Gregory, Hackelton, Hamlin, Hampton, Harreld, Harris, Hunt, Hunter, Lincoln, Link, McHenry, McGahey, Manly, Moore, Oliver, Owen, Ross, Rowan,

Stuart, Thomas, Thompson, Trower, Tunnell, Webb, Whiteside, Wren, and Wyatt, of the House of Representatives—66.

For John Wash—Messrs. Davidson, of the Senate; and Dubois, Frazer, Gordon, and Mr. Speaker, of the House of Representatives—5.

For Mr. Anderson—Mr. Bond of the Senate; and Mr. Hughes, of the House of Representatives—2.

For Mr. Peebles—Mr. Mather, of the Senate.

For Mr. Flood—Messrs. Thomas and Williams of the Senate.

For Mr. McLaughlin—Messrs. McHenry and Outhouse, of the House of Representatives.

John Dement having received a majority of all the votes given, was declared duly elected State Treasurer of the State of Illinois, for the ensuing two years.

The two Houses then proceeded to the election of Attorney General; when the vote being taken stood thus:

For Ninian W. Edwards,

Messrs. Craig, Edwards, Forquer, Jones, Maxwell, Mather, Mills, Rattan, Stephenson, Snyder, Taylor, Thomas, Vance, Whiteside and Williams, of the Senate; and

Messrs. Blockburger, Brown, Butler, Carpenter, of Sangamon, Cloud, Dawson, Dubois, Gordon, Gregory, Hackelton, Herreld, Harris, Henry, Hughes, Lincoln, McHenry, Moore, Owen, Stuart, Thompson, Webb, Whiteside, Wren, and Mr. Speaker, of the House of Representatives—39.

For Jesse B. Thomas,

Messrs. Davidson, Lane, Mitchell, McGahey, Noel, Will, and Williamson, of the Senate; and

Messrs. Able, Anderson, Blackwell, Bowyer, Carpenter of Hamilton, Clark, Cunningham, Dougherty, Dunn, Elliott, Ficklin, Fithian, Frazer, Hamlin, Hampton, Hunt, Hunter, Link, McGahey, Manly, Nunnally, Oliver, Outhouse, Ross, Rowan, Trower, Tunnell, Vandevanter, and Wyatt—36.

Messrs. Bond, Gatewood, and Hacker, of the Senate, voted for Mr. Rowan—3.

Mr. Ewing, of the Senate, voted for Mr. Ficklin—1

Mr. Thomas of the House of Representatives voted for Mr. Whitney—1.

No person having received a majority of all the votes given, the vote was taken a second time, and stood thus:

For Ninian W. Edwards,

Messrs. Craig, Edwards, Forquer, Gatewood, Hacker, Jones, Maxwell, Mather, Mills, Rattan, Stephenson, Snyder, Taylor, Thomas, Vance, Whiteside and Williams, of the Senate; and

Messrs. Blockburger, Brown, Butler, Carpenter, of Sangamon, Cloud, Dawson, Dubois, Gordon, Gregory, Hackelton, Hamlin, Herrelid, Harris, Henry, Hughes, Lincoln, Link, McHenry, Moore, Owen, Ross, Stuart, Thompson, Webb, Whiteside, Wren, and Mr. Speaker, of the House of Representatives—44.

For Jesse B. Thomas,

Messrs. Davidson, Lane, Mitchell, McGahey, Noel, Will, and Williamson, of the Senate; and

Messrs. Able, Anderson, Blackwell, Bowyer, Carpenter of Hamilton, Clark, Cunningham, Dougherty, Dunn, Elliott, Ficklin, Fithian, Frazer, Hampton, Hunt, Hunter, McGahey, Manly, Nunnally, Oliver, Outhouse, Rowan, Trower, Tunnell, Vandevanter, and Wyatt; of the House of Representatives—33.

For Mr. Rowan, Mr. Bond, of the Senate—1.

For Mr. Ficklin, Mr. Ewing, of the Senate—1.

For Mr. Stuart, Mr. Thomas, of the House of Representatives—1.

Ninian W. Edwards, having received a majority of all the votes given, was declared duly elected Attorney General of the State of Illinois, for the ensuing two years.

The two Houses then proceeded to the election of Judges of Probate, by ballot.

Mr. Snyder, of the Senate, and Mr. Wyatt, of the House of Representatives, having been appointed tellers, and an election having been had for Judges of Probate in the counties of Pike and Fulton;

The following persons were found to have respectively received a majority of all the votes given, and were accordingly declared duly elected Judges of Probate, in and for their respective counties, viz.:

For the county of Fulton, John Boice.

For the county of Pike, Merrill E. Rattan.

Whereupon,

The Honorable the Senate returned to their chamber; and, On motion,

Adjourned.

FRIDAY, January 2, 1835.

Senate met pursuant to adjournment;

Mr. Noel, from the select committee to which was referred the bill from the House of Representatives entitled  
“An act to move the seat of justice of Clark county;”  
Reported the same back to the Senate with an amendment;  
Which was read and concurred in.

*Ordered* that the bill, as amended, be read a third time.

Mr. Ewing, from the select committee which was instructed to inquire into the expediency or inexpediency of erecting a state bank, &c. reported a bill entitled

“An act establishing a State Bank;”

Which was read the first time; and

*Ordered* to a second reading.

On motion of Mr. Gatewood,

The rules of the Senate were dispensed with, and the bill read a second time by its title.

Mr. Stephenson moved that said bill be laid on the table, and that 100 copies be printed.

Mr. Maxwell, moved to amend said resolution by striking out “100” and inserting in lieu thereof “200.”

Mr. Will moved to amend said amendment by inserting in lieu of “200” the words “five hundred.”

Which was decided in the affirmative.—Ayes 14.—Nays 3.

Those who voted in the affirmative, are,

Messrs. Bond, Davidson, Edwards, Ewing, Gatewood, Lane, Maxwell, Mills, Stephenson, Taylor, Vance, Whiteside, Will, and Williamson.—14.

Those who voted in the negative, are,

Messrs. Craig, Hacker, Jones, McGahey, Noel, Rattan, Snyder, and Thomas.—3.

Mr. Edwards, from the committee on Seminary, School Land and Education, to whom was referred so much of the message of the Governor as related to the subject of Education; reported a bill entitled

“An act providing for the security of School Funds;”

Which was read the first time, and

*Ordered* to a second reading.

Mr. Stephenson moved that the Senate adjourn until two o'clock.

Mr. Maxwell moved to amend said motion so as make it a motion to adjourn.

Which was not agreed to.

The question then recurring on the motion to adjourn until two o'clock?

It was decided in the negative.

Mr. Gatewood then moved that the Senate adjourn until Monday, 10 o'clock.

Which was not agreed to.

On motion of Mr. Will,

The following preamble and resolutions were adopted:

Whereas it has been satisfactorily represented to the present General Assembly, that on the 21st day of November, 1829, Daniel Malone, of Perry county, state of Illinois, employed one John Brown, now deceased, as his agent, to enter for him, at the land office at Kaskaskia, in said state, the west half of the north east quarter of section numbered 35, in township numbered 6 south, of Range numbered 3 west of the third principal meridian; and that said Brown entered, by mistake, the west half of the north east quarter of section numbered 35, in township numbered 4 south, of range numbered 3 west, of the third principal meridian; and that the land thus entered by mistake, is worthless, and totally unfit for cultivation: and whereas the said Malone has applied to the Register of the land office aforesaid, to have said mistake corrected, without success, and will suffer considerable loss, without relief: therefore,

*Resolved by the Senate and House of Representatives of the General Assembly of Illinois, That our Senators in Congress be instructed and our Representatives requested, to use their exertions to procure the passage of a law authorizing the said Malone to relinquish to the government, the half quarter section of land thus entered by mistake, and to enter the one upon which he has made his improvement, and which was intended to have been entered by said agent, as aforesaid:*

*Resolved, That they be further instructed and requested, to procure the passage of a general law upon this subject, by which any person may be relieved under like circumstances, by making satisfactory proof, by his own affidavit or otherwise, at the proper land office: and where such entries have been patented, that in such cases the error may be corrected by making the like proof to the commissioner of the General*

Land Office, under such regulations and restrictions as may be deemed necessary to prevent the practice of fraud.

Mr. Ewing moved that the Senate adjourn.

Which was not agreed to.

Mr. Hacker then moved that the Senate adjourn until two o'clock.

Which was also not agreed to.

The bill entitled

"An act to amend an act entitled an act to provide for the application of the interest of the fund arising from the sale of school lands belonging to the several townships in this state," approved 1st March, 1833;

Was read the second time; and,

On motion of Mr. Gatewood,

Committed to a committee of the whole.

Mr Gatewood moved that the Senate adjourn until two o'clock.

When was not agreed to.

On motion of Mr. Edwards,

The Senate then adjourned.

SATURDAY, January 3, 1835.

Senate met pursuant to adjournment.

Mr. Vance asked and obtained leave to introduce the petition of sundry citizens of Champaign and McLean counties, praying the passage of a law authorizing the re-location of a certain state road; and,

On motion of Mr. Vance,

The reading thereof was dispensed with, and the bill

Referred to a select committee.

Ordered that Messrs. Vance, Mitchell, and Williamson, be the committee.

Mr. Maxwell asked and obtained leave to introduce a bill entitled

"An act for the benefit of William Allen;"

Which was read the first time; and

Ordered to a second reading.

The resolution from the House of Representatives, having

for its object the appointment of a joint committee of eight from the House of Representatives and four from the Senate, to apportion and lay off the several judicial circuits, &c. being under consideration:

Mr. Noel moved to amend said resolution by striking out the words "eight" and "four," and inserting "twelve" and "six." Whereupon,

On motion of Mr. Davidson,

The resolution was referred to a select committee.

*Ordered* that Messrs. Davidson, Thomas, Noel, Hacker and Snyder, be the committee.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have concurred with them in the adoption of the "Memorials to Congress relative to the establishment of a Surveyor General's office within this state;" and "in relation to the 16th sections."

They have also concurred with the Senate in their amendment to the bill entitled

"An act declaring the road leading from Paris, in Edgar county, to the state line in a direction towards Terre Haute, in Indiana, a state road."

They have passed bills of the following titles, viz.:

"An act permanently to locate the seat of justice of Randolph county."

"An act for the benefit of John Groves."

"An act to amend an act to extend the jurisdiction of Justices of the Peace;" approved December 19, 1826;" and

"An act to change part of the road leading from Hillsboro' to Carlinville."

In the passage of which they ask the concurrence of the Senate. And he withdrew.

Mr. Speaker laid before the Senate the following communication from the Auditor of Public Accounts, viz.:

AUDITOR'S OFFICE, VANDALIA,  
January 2d, 1835.

THE HONORABLE,

SPEAKER OF THE SENATE,

SIR:—In compliance with a resolution of the Senate requesting the Auditor to "communicate to the Senate whether there are any evasions of the revenue laws by non-residents,

relative to listing their lands for taxation, which are injurious to the interest of the state, and if so, what measures, if any, have been adopted by him to prevent such evasion;" I have the honor to state, that there are no evasions of the revenue laws by non-residents which are injurious to the interest of the state, so far as has come within my knowledge. It is believed, however, from the quantity of lands listed for taxation in some of the counties, that agents are in the habit of listing lands owned by non-residents, in their own names, by which the state loses seven and an half per cent. being the amount of the sheriffs' commission for collecting.

I would remark, however, that there is no way by which the auditor could ascertain the fact, that agents are in the habit of thus listing lands; nor is it in the power of the Auditor to prevent such evasions of the revenue law.

The 17th section of the revenue law "approved February 27th, 1833," provides, that residents of this state, owning lands in several and different counties, may list the same in the counties in which they reside:" consequently, the auditor can only know whether such lands are owned by residents or non-residents, by the returns made to this office by the clerks of the county commissioners' courts.

I am, very respectfully,

JAMES T. B. STAPP, *Auditor.*

Which was read; and,

On motion,

Referred to the committee on Finance.

The bill from the House of Representatives, entitled

"An act permanently to locate the seat of justice of Randolph county;"

Was read the first time, and,

On motion of Mr. Maxwell,

Laid on the table.

The bill from the House of Representatives, entitled

"An act for the benefit of John Groves;"

Was read the first time; and

*Ordered*, to a second reading.

The bill from the House of Representatives, entitled

"An act to amend an act to extend the jurisdiction of Justices of the Peace;" approved December 19th, 1826;

Was read the first time, and

*Ordered* to a second reading.

The bill from the House of Representatives, entitled

"An act to change part of the state road from Hillsboro' to Carlinville;"

Was read the first time; and

*Ordered* to a second reading.

On motion of Mr. Craig,

The rules of the Senate were dispensed with, and the bill read a second time by its title; and

Referred, together with the accompanying documents, to the committee on Petitions.

The bill entitled

"An act concerning the appropriation of the revenue of the several counties in this state;"

Was read a second time.

Mr. Mills moved to amend said bill by striking out all after the enacting clause.

Which was decided in the affirmative.—Ayes 16.—Nays 8.

Those who voted in the affirmative, are,

Messrs. Craig, Edwards, Ewing, Maxwell, Mills, Mitchell, McGahey, Noel, Stephenson, Snyder, Taylor, Vance, Whiteside, Will, Williams and Williamson.—16.

Those who voted in the negative, are,

Messrs, Bond, Davidson, Gatewood, Hacker, Jones, Lane, Rattan, and Thomas.—8.

On motion of Mr. Ewing,

The bill was then laid on the table.

The bill entitled

"An act providing for the security of the School Fund;"

Was read a second time; and,

On motion of Mr. Gatewood,

Committed to a committee of the whole.

The following bills entitled

"An act to amend an entitled 'An act to locate a state road from Quincy, in Adams county, to Macomb, in McDonough county;' approved Feb. 12, 1833:

The bill from the House of Representatives, entitled

"An act to authorize the county commissioners of Pike county, to sell certain property therein named;" and

The bill entitled "An act to incorporate the Mount Carbon Coal Company;"

Were severally read the third time and passed.

*Ordered* that the titles of said bills be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled

"An act to move the seat of justice of Clark county;"  
Was read a third time, as amended, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.  
On motion of Mr. Ewing,

*Resolved*, That the committee on the Judiciary be instructed to inquire whether the conditional provisions of the several acts of incorporation passed at the last session of the General Assembly, have been in all or any cases complied with; and whether any, and if any, which, have violated said provisions, and thereby forfeited the privileges in said acts granted: and that said committee be required to report on said subject.

On motion,

The Senate then adjourned.

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MONDAY, January 5, 1835.

Senate met pursuant to adjournment.

Mr. Thomas asked and obtained leave to introduce the petition of sundry citizens of Hancock county praying the establishment of a certain state road; and,

On motion of Mr. Williams,

The reading thereof was dispensed with, and the petition Referred to the committee on Petitions.

Mr. Thomas, from the committee on the Judiciary, which was instructed to inquire into the expediency of authorizing sheriffs to have concurrent power with constables in executing process: reported as follows, viz.:

That they are not aware of the existence of any reason or necessity, for conferring the authority upon sheriffs proposed in the resolution. The law has provided for the appointment of a sufficient number of constables in the state, to execute all the duties incident to their offices. The committee believe it would be bad policy to blend the office of sheriff with that of constable.

They therefore ask to be discharged from the further consideration of the resolution.

On the question, Shall the committee be discharged?

It was decided in the affirmative.

Mr. Thomas, from the committee on the Judiciary, to which was referred the resolution instructing them to "inquire into the necessity of so amending the criminal laws of this state, as to make it an indictable offence to counterfeit, or have in possession counterfeit bank bills or notes, of any bank regularly established by law, of the United States, or of any state or territory, reported,

That they believe it inexpedient to change the present law, or to extend its provisions in reference to the subject embraced in the resolution. To subject a man to indictment for counterfeiting bank notes, or for having in possession counterfeit notes, who had no bad or criminal intent, in counterfeiting, or having such notes, in possession, would, in the opinion of the committee, be unreasonable: and they believe it would be alike unreasonable to subject a man to indictment for passing counterfeit bank notes, who had no criminal or fraudulent intent. To constitute a crime, there must be an union or joint operation of action and intent, or criminal negligence: and to make action alone, without intent or negligence, criminal, would be contrary to all precedent, and subversive to every principle of justice.

The committee therefore ask to be discharged from the further consideration of the resolution.

On the question, Shall the committee be discharged from the further consideration of said resolution?

It was decided in the affirmative.

A message from the House of Representatives by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have concurred with them in the adoption of the preamble and resolutions relative to a grant of land to construct a road from Shawneetown, through Franklin county, to St. Louis."

They have passed bills of the following titles, viz.:

"An act to amend an act prescribing the mode of summoning grand and petit jurors, and defining their qualifications and duties;" approved February 7, 1827; and

"An act to regulate the mode of granting licenses to clock pedlars."

In the passage of which they ask the concurrence of the Senate.

'They have concurred with the Senate in the adoption of the resolution relative to the appointment of a joint select committee to lay off the state into judicial circuits," as amended by them. Amend as follows:

Strike out all after the word "*Resolved,*" and insert "*by the House of Representatives* (the Senate concurring herein) That there be a committee appointed, consisting of two members on the part of this House from each of the present judicial circuits, and one member from each of the present judicial circuits on the part of the Senate, to act in conjunction, in laying off and fixing the Judicial circuits of this state;" and have appointed Messrs. McGahey, Fithian, Frazer, Rowan, Hughes, Outhouse, Link, Stuart, Hamlin, and Butler, the committee on their part:

In which they ask the concurrence of the the Senate.

And he withdrew.

Mr. Thomas, from the committee on the Judiciary, which was instructed by resolution to inquire into the expediency of reporting all the laws now in force, and which were omitted to be printed in the revised code of 1833, and that the same be now published with the laws of this session: reported,

That, in their opinion, it is inexpedient and impossible for the committee to comply with the requisitions contained in the resolution, during the present session of the General Assembly: they believe that less than six months time would be too short, to make the report required. They therefore ask to be discharged from the further consideration of the resolution.

The question being put, Shall the committee be discharged from the further consideration of the subject?

It was decided in the affirmative.

Mr. Thomas, from the committee on the Judiciary, which was instructed to "inquire into the expediency of so changing the law in relation to judgments before justices of the peace, so as to bind personal property from the rendition of judgments:" reported,

That, in their opinion, great inconvenience would result to society from the passage of a law embracing the provision contemplated in the resolution. It would be unreasonable to require every man in a county to take notice of judgments of justices of the peace. The rule of law which requires that every man shall take notice of proceedings in courts of record, would become very inconvenient, if applied to justices of the peace. The object of the mover of the resolution would probably be attained, with less inconvenience to society, by the passage of a law declaring that personal property shall be bound for the satisfaction of judgments of justices of the peace, from the time the execution is actually levied.

The committee ask to be discharged from the further consideration of the resolution."

On the question, Shall the committee be discharged from the further consideration of the resolution?

It was decided in the affirmative.

Mr. Thomas, from the committee on the Judiciary, to which was referred the resolution instructing them to "inquire into the expediency of so amending the law in relation to constables, as to authorize them to receive and receipt for monies due on notes or accounts, and that such receipt, officially given, shall bind such constable and his securities for all monies so collected, as upon legal process of law;" reported:

That by the 7th section of the act concerning Justices of the Peace and Constables, in force from first of June, 1829," constables are authorized to receive money from any defendant upon whom he may serve a summons, or warrant, and the payment to the constable, or a tender to him, is made a good defence to the action. One condition to the constables' bond is "that he will justly and fairly account for, and pay over, all moneys that may come to his hands, under any process or otherwise, by virtue of his office." It is further provided by the act concerning justices of the peace and constables, in force 1st March, 1833, that justices of the peace may receive money on all "demands placed in their hands for suit or collection." It is believed that under the several provisions of the laws referred to, defendants are furnished with all of the necessary facilities for paying debts, and being released from further liability, which they can devise; and the law has already provided ample remedies against the receiving officers.

The committee therefore ask to be discharged from the further consideration of the resolution.

On the question, Shall the committee be discharged from the further consideration of said resolution?

It was decided in the affirmative.

Mr. Thomas, from the committee on the Judiciary, which was instructed by resolution "to inquire into the propriety of so amending the present laws, that the Judges of the Circuit Courts shall be vested with a discretionary power to reduce the amount of the penalty in all recognizances for criminal offences, where the same shall have been forfeited, if in their opinion the amount of such penalty shall be too great, and that the circumstances of the case would justify such reduction;" reported:

That it is declared by the Constitution of the United States, "that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted;" and by the Constitution of this state, it is declared, "that all persons shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident, or the presumption great, and the writ of Habeas Corpus shall not be suspended, unless in cases of rebellion or invasion, the public safety may require it;" and also, that "all penalties shall be proportioned to the nature of the offence; the true design of all punishment being to reform, not to exterminate mankind."

It is believed that the rights and liberties of the people are sufficiently secured against oppression by the foregoing provisions of the constitutions, and that if in any case excessive bail should be required, or excessive penalties imposed, the executive would interpose its authority and refuse to carry into effect such requisitions or impositions.

The courts already have the power to reduce the penalties of bail bonds, or recognizances, upon application of the parties bound; and if parties never think of objecting to the penalties of such bonds or recognizances, until they make default, the presumption is not unreasonable that the penalties ought not to be changed. The bail may at any time surrender the principal, and obtain a discharge from liability. The undertaking of bail is always voluntary, and only collateral: a case of oppression, therefore, in reference to bail, can scarcely be imagined.

If the power contemplated in the resolutions should be conferred upon the courts, it is believed that the exercise of such power would become exceedingly troublesome and vexatious.

The Judges would have to assume the prerogatives properly belonging to the executive of the state, and enter into investigations of policy, and executive clemency, entirely without the range of judicial inquiry.

The committee are of opinion that the law ought not to be changed, as proposed by the resolution; and ask to be discharged from the further consideration of the subject.

On motion of Mr. Will,

The report was laid on the table.

Mr. Thomas, from the committee on the Judiciary, to which was referred the petition of Hiram C. Bennett, praying the passage of a law authorizing him to sell a lot of land belonging to his children, who are infants; reported:

That from the facts stated in the petition, the petitioner has no right to control or manage the land of his children, he not being their guardian. If it be desirable on the part of the friends of the infants to sell the lands, that object can be attained by having a guardian appointed, and making application to the circuit court. The father of infants can have no right to sell or control their real estate; and on this account the law has provided for the appointment of a guardian, to take charge of and manage real estate of infants, notwithstanding they may have a father living.

A majority of the committee are of opinion that the prayer of the petition ought not to be granted.

On the question Will the Senate concur with the committee in their report?

It was decided in the affirmative.

Mr. Thomas, from the same committee to which was referred the petition of William Roberts, praying the passage of a law "authorizing the petitioner to make a deed to Thomas N. Venosdell or some one else, to a certain tract of land entered in the name of Samuel S. Roberts;" reported:

That if the relief prayed for ought to be granted, the courts of justice have sufficient power, under the laws of the state, to grant the same. The law has made provisions for selling and conveying the real estates of infants, and authorized the courts to make such order as to enable guardians to make such sales for the support and education of wards; or to invest the proceeds in other real estates.

It is believed that an act of the General Assembly, authorizing the sale of the real estate of an infant, would not divest the infant of the legal title to such estate: and if such sales are authorized upon the application of the guardian alone, without an opportunity being afforded to the relations and friends of the infant to object, a wide door may be opened to imposition. A majority of the committee are therefore of opinion that the prayer of the petition ought not to be granted.

On the question Will the Senate concur with the committee in their report?

It was decided in the affirmative.

Mr. Thomas, from the same committee, which was instructed to "inquire into the expediency of so amending the law concerning judgments and executions, as to allow officers having levied process issued out of any court of justice in

this state, on real estate, to sell the same at the county seat of the county in which most of the lands lie, subject, however, to be governed by the wishes of the defendant in execution as to the county seat at which such real estate shall be exposed to sale;" reported:

That there being no law authorizing any officer of the state to sell real estate, on execution, situated in a county different from the county in which such officer resides, it is unnecessary to amend the law as proposed in the resolution.

The committee therefore ask to be discharged from the further consideration thereof.

On the question Shall the committee be discharged from the further consideration of the subject?

It was decided in the affirmative.

Mr. Thomas, from the same committee to which was referred the bill from the House of Representatives, entitled "An act for the relief of William Spencer," with the accompanying petition, made the following Report in relation thereto, viz:

The petition states that the said William Spencer purchased an improvement on section numbered sixteen, in township thirteen north, range nine west, of the third principal meridian, from one Ambrose Youngblood; for the sum of seventy-five dollars—that the section was subsequently brought into market and sold by James Evans, Esq., and concludes with a prayer that the money paid by Spencer, be refunded to him out of the funds of the township. It does not appear from the petition when, or under what authority the improvement was made, or whether it consisted of houses, orchards, or of lands enclosed and reduced to a state of cultivation; or whether the improvements were of a kind which would add to the permanent value of the improvement stated.

The first question presented by the petition is, as to the power of the General Assembly to appropriate the funds of a township for any other purpose than for the use of schools. Upon this question, the committee are of opinion, that the General Assembly possesses no such power. The legal title to sections numbered sixteen, is vested in the State for a specified use; and it has never been supposed that the General Assembly could sell those sections, or make any disposition of them, even for the use specified in the grant, without the consent of the inhabitants of the township, and it is the opinion of the committee, that neither the present inhabitants of the township, nor the General Assembly, have the right to appropriate the money arising from the sales of those sections for any other purpose. If the present inhabitants have the right to appropriate the money as they please, the fund might very soon become useless as a means of supporting schools, and the successors of the present inhabitants might be

entirely deprived of all the benefits intended by the United States, in granting those lands. If the State should assume the right to appropriate the funds, the inhabitants of townships would have just cause of complaint, and could not, with any safety, make any calculations with reference to schools. The only ground upon which the prayer of the petition is predicated is, that the land of the township has been increased in value by the improvement. It is not pretended that Spencer purchased the improvement without a knowledge that it was situated on the sixteenth section, and that the person making the improvement had no right to the possession or use of the lands. Admitting that the General Assembly has the right, with the consent of the present inhabitants of the townships, to appropriate the funds for any other purpose than for the use of schools, it is confidently believed that no such right exists without such consent. The petition, in the present case, is signed by thirty persons, who style themselves "Inhabitants of the county of Morgan." How many of them reside in the township, does not appear. It appears from a communication of William Weatherford, one of the trustees of school lands in the township, to one of the Senators from the county of Morgan, who is the school commissioner of that county, that there is between seventy and eighty heads of families in the township; assuming this statement to be correct, the petition has not been signed by even a majority of the inhabitants. It further appears, from the same communication, that the improvement was made in the years 1826 and 1827, by one Youngblood—that in 1828 he sold the improvement to one Shepherd and the same Spencer, for forty-five dollars—that Spencer subsequently made other improvements of the value of ten dollars—that Spencer and Shepherd made one crop on the land, and then surrendered the possession to the trustees—that the improvement consisted of eleven acres of land put in cultivation, and a small log house—that there was 3150 rails and stakes used in enclosing the improvement, and the rent of the premises is estimated at one dollar per acre per annum. It appears to the committee that the half quarter of land on which the improvement was made, was valued by the trustees at one dollar sixty-two and one half cents per acre, contained 80 90-100 acres, and sold on the 24th January, 1833, for \$131 45-100. It further appears from the communication of William Weatherford, that he was induced to sign the petition by representations made to him that the improvement cost Spencer seventy-five dollars—whereas he has since ascertained that it only cost \$45 00-00, and that it was purchased by Spencer and Shepherd, and not by Spencer alone, as stated in the petition. Upon the foregoing state of facts, the committee are of opinion that the bill ought not to pass, for the following reasons:

First. Because the General Assembly has no right to apply the funds of the township to any other purpose than to the use of schools, with or without the consent of the inhabitants.

Second. Because the consent of the inhabitants has not been obtained to the proposed appropriation, even admitting the right of the General Assembly to make it without such consent.

Third. Because the petition claims \$75 00-00 as the sum paid for the improvement, when in fact only \$45 00-00 was paid.

Fourth. Because it does not appear that the petitioners reside in the township to be effected by the passage of a bill.

Fifth. Because it appears that the improvement was purchased by Spencer and Shepherd, and it does not appear that Spencer has any claim to the money paid by Shepherd.

Sixth. Because Spencer's name does not appear to the petition.

Seventh. The trustees had no right to value the land for less than \$1 25-100 per acre, and the improvement could not have increased the value of the whole lot more than \$31 45-100.

The committee will further remark that, to pass the bill, would, in their opinion, be settling a dangerous precedent—a general license and invitation would be given to settlements on the 16th sections. The principle being once admitted that, by making an improvement on those sections, persons would be entitled to pay out of the township funds for the value of the labor expended, the means of townships for the support of schools would very soon become exhausted. All the reasons and grounds upon which the present application is founded, would apply with equal force to cases which may arise hereafter.

It has been the uniform policy of the State to prevent and punish unauthorized settlements on the 16th sections, and no reason is perceived why that policy should be changed. The committee do not admit the correctness of the principle, that because a man enters upon land without authority, and makes an improvement, he is entitled to compensation for the labor expended. Such a principle is at war with sound policy and the dictates of common sense, and would lead to the entire prostration of all distinction between right and wrong. If a man who enters upon land in violation of law, is to be paid for improvements which he may make, merely upon the ground that he has been deprived of his wrongful possession; it might often happen that owners of land would be reduced to the necessity of either surrendering their lands or of paying exorbitant prices for improvements which they did not desire, and for which they had no use. And if such a principle of action should prevail in reference to the 16th sections, the people would have no security that the next generation would be benefitted in the least, by the grants of those sections. The present case shows how easy it is to procure signatures to a petition, and to impose upon an unsuspecting community. One of the trustees, who is known to be a man of intelligence, signs the petition without investigating the facts, and thereby asks the General Assembly to appropriate \$75 00-00, and afterwards, upon investigating the facts, he states that the

sum claimed, is nearly double the amount paid for the improvement.

The committee, for the reasons herein stated, recommend the rejection of the bill.

The question being put Will the Senate reject the bill?

It was decided in the affirmative.

Mr. Williams, from the select committee to which was referred the resolution in relation to the construction of a "rail road from Logans' Port on the Wabash river, to Quincy, on the Mississippi;"

Reported the same back to the Senate with an amendment, by striking out all after the word "*Resolved*," and inserting the following: "*by the Senate and House of Representatives*, That our Senators in Congress be instructed, and our Representatives requested, to use their exertions to procure the passage of a law authorizing a survey and estimate of the cost of a rail or McAdamized road from the termination on the Wabash river of the Erie and Wabash canal, by Danville, in Vermillion county, to Quincy, on the Mississippi river, to be made.

"*Resolved further*, That they endeavor to procure a donation of land on the route of said road to aid in its construction."

Whereupon,

On motion of Mr. Ewing,

The resolution and proposed amendment were  
Committed to a committee of the whole.

On motion of Mr. Forquer,

The Senate then resolved itself into a committee of the whole on said resolution and proposed amendment,

Mr. Bond in the chair;

And after some time spent therein,

Mr. Speaker resumed the chair, and Mr. Bond reported:

That the committee of the whole had, according to order, had said resolution and proposed amendment under consideration, made some progress therein, and directed him to ask leave to sit again.

On the question Shall the committee have leave to sit again?

It was decided in the affirmative.

On motion,

The Senate adjourned until 2 o'clock.

2 o'clock, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Thomas,

The Senate resolved itself into a committee of the whole on the resolution relative to the construction of a rail road from the Wabash river to Quincy, on the Mississippi, and the proposed amendment of the select committee thereto,

Mr. Stephenson in the chair;

And after some time spent therein,

Mr. Speaker resumed the chair, and Mr. Stephenson reported:

That the committee of the whole had, according to order, had said resolution and proposed amendment under consideration, had amended the same by striking out the proposed amendment, and all after the word "*Resolved*," in the original, resolution; and had directed him to ask the concurrence of the Senate therein.

Mr. Forquer moved to amend said report by inserting the following, viz.:

That our Senators and Representatives in Congress be requested to use their influence to procure a competent engineer of the United States, to examine, survey, and estimate the probable cost of a rail road from that point on the Wabash river where the Indiana and Erie canal terminates, to Danville, in Vermillion county; from thence to Springfield, in Sangamon; from thence direct to Beardstown, in Morgan county; from thence to Rushville, in Schuyler county; and from thence to Quincy, in Adams county.

*Resolved further*, That they use their influence to procure the passage of a law granting this state the right to purchase all the unsold public lands on said route, including five miles on both sides of said route, at some price not exceeding twenty-five cents per acre; and that a reasonable credit be allowed therefor.

*Resolved further*, That the committee on Internal Improvements be instructed to inquire into the expediency of incorporating a company to construct said rail road.

Mr. Edwards moved to amend said amendment by striking out the same and inserting the following in lieu thereof, viz.:

That our Senators in Congress be instructed and our Representatives requested, to use their exertions to procure the

passage of a law authorizing the survey of a route for a rail or McAdamized road from the Wabash to the Mississippi river; having in view the most eligible connexion of said road with the Indiana canal, and the advantages of distance, convenience of ground for its location, and the fertility of the country through which it may pass; also, making a donation of land on the route to aid in the construction of said road.

Which was decided in the affirmative.—Ayes 12.—Nays 11.

Those who voted in the affirmative, are,

Messrs. Bond, Craig, Davidson, Edwards, Gatewood, Hacker, Mills, McGahey, Noel, Rattan, Snyder, and Thomas.  
—12.

Those who voted in the negative, are,

Messrs. Forquer, Jones, Lane, Maxwell, Mitchell, Stephenson, Taylor, Vance, Will, Williams, and Williamson.—11.

Mr. Thomas moved further to amend the report of the committee, as amended, by adding thereto the words "so as to strike the Mississippi river at Quincy, in Adams county."

Which was decided in the negative.—Ayes 10.—Nays 13.

Those who voted in the affirmative, are,

Messrs. Forquer, Jones, Maxwell, Stephenson, Taylor, Thomas, Vance, Will, Williams and Williamson.—10.

Those who voted in the negative, are,

Messrs. Bond, Craig, Davidson, Edwards, Gatewood, Hacker, Lane, Mills, Mitchell, McGahey, Noel, Rattan and Snyder.  
—13.

Mr. Snyder then moved an indefinite postponement of the said resolutions.

Which was decided in the affirmative.—Ayes 12.—Nays 11.

Those who voted in the affirmative, are,

Messrs. Forquer, Lane, Maxwell, Mitchell, Noel, Stephenson, Snyder, Taylor, Thomas, Vance, Will and Williams.—12.

Those who voted in the negative, are,

Messrs. Craig, Davidson, Edwards, Gatewood, Hacker, Jones, Mills, McGahey, Rattan and Williamson.—11.

A message from the House of Representatives, by Mr. Prickett, their clerk.

**MR. SPEAKER:**—I am directed to inform the Senate that the House of Representatives have concurred with them in their amendment to the bill from the House of Representatives, entitled "An act for the benefit of the town of Pittsfield, in the county of Pike."

They have also concurred in the amendment of the Senate to the title of said bill.

They have passed a bill of the following title, viz.:

"An act to authorize the county commissioners of La Salle county, to lease a certain lot of ground."

In the passage of which they ask the concurrence of the Senate.

They have concurred in the passage of a bill from the Senate entitled

"An act to improve the road from Equality, by Cranshaw's Works and Cypress Creek, to Shawneetown."

They have also concurred with the Senate in the passage of a bill entitled

"An act to amend an act for the limitation of actions, and for avoiding vexatious law suits;" approved Feb. 10, 1827; as amended by them; in which amendment they ask the concurrence of the Senate.

And he withdrew.

Mr. Hacker asked and obtained leave to introduce a bill entitled

"An act supplemental to an act to locate permanently the seat of justice of Alexander county;" approved January 18, 1833.

On motion,

The Senate then adjourned.

TUESDAY, January, 6, 1835.

Senate met pursuant to adjournment.

Mr. Thomas, from the committee on the Judiciary, to which was referred the bill entitled "An act entitled an act to amend the several acts now in force concerning justices of the peace and constables;"

Reported the same back to the Senate without amendment, a majority of the committee being of opinion that said bill ought not to pass.

Mr. Gatewood moved to amend said bill by adding thereto the following sections, viz.:

SEC. 10. *Be it further enacted*, That from and after the passage of this act, justices of the peace shall not issue any warrant or other original process, except in cases when the person against whom such warrant or process is issued, shall be a resident of the township for which such justice shall have been elected: *Provided*, That this section shall not apply to non-residents of the county, or transient persons.

SEC. 11. That hereafter, any person against whom any judgment by a justice of the peace shall have been rendered, shall not be allowed to take an appeal from the decision of such justice to the circuit court, unless he shall first make oath before the clerk of the circuit court of the proper county, that he verily believes that he has not had justice done in the giving of the said judgment by said justice.

Whereupon,

On motion of Mr. Gatewood,

The bill and proposed amendment were

Committed to a committee of the whole.

Mr. Mills, from the committee on Petitions, to which was referred the petition of sundry citizens of Hancock county, praying that the town plat of the town of Venus, in said county, be vacated, reported a bill entitled

“An act to vacate the town of Venus, in Hancock county.”

Which was read the first time; and

*Ordered* to a second reading.

Mr. Mills, from the committee on Petitions, to which was referred the petition of sundry citizens of Hancock county, in relation to a certain state road, reported a bill entitled

“An act concerning a state road therein named.”

Which was read the first time; and

*Ordered* to a second reading.

Mr. Mills, from the committee on Petitions, to which was referred the petition of sundry citizens of Rock Island county, praying a change of said county lines, together with a remonstrance, from sundry citizens of the same county, against said change, reported unfavorably to the prayer of the petitioners; and asked to be discharged from the further consideration thereof. Whereupon,

On motion of Mr. Stephenson,

The said petition and remonstrance were

Referred to a select committee.

*Ordered* that Messrs. Stephenson, Maxwell and Jones, be the committee.

Mr. Snyder, from the select committee to which was referred the petition of sundry citizens of St. Clair county, praying a relocation of a part of the road leading from Lebanon, in St. Clair county, to Vandalia, reported a bill entitled

“An act to relocate so much of the state road leading from Lebanon, in St. Clair county, to Vandalia, as lies between Lebanon and the Madison county line.”

Which was read the first time, and

*Ordered* to a second reading.

Mr. Maxwell, from the select committee to which was referred the petition of William A. Minshall, Abraham Marshall and Charles W. Bacon, reported a bill entitled

“An act for the relief of the securities of Thomas Moore.”

Which was read the first time, and

*Ordered* to a second reading.

Mr. Maxwell, from the select committee to which was referred the petition of sundry citizens of Schuyler county, praying that Crooked creek, in said county, be declared a navigable stream, reported a bill entitled

“An act declaring Crooked creek, in Schuyler county, a navigable stream.”

Which was read the first time; and

*Ordered* to a second reading.

Mr. Maxwell, from the select committee to which was referred the bill entitled

“An act further defining the powers and duties of incorporated towns;”

Reported the same back to the Senate with an amendment; which was read and concurred in.

*Ordered* that the bill be engrossed for a third reading.

On motion of Mr. Stephenson,

*Resolved*, That the Governor be requested to communicate to the Senate the statistical and other matter-of-fact information, upon which he predicated his recommendation to the Legislature, in favor of making a loan, to construct the Michigan and Illinois canal.

The bill entitled

“An act supplemental to an act to locate, permanently, the seat of justice of Alexander county;” approved January 18, 1833;

Was read the first time; and

*Ordered* to a second reading.

The bill from the House of Representatives, entitled

"An act to amend an act prescribing the mode of summoning grand and petit jurors, and defining their qualifications and duties;" approved February 7, 1827;

Was read the first time; and

*Ordered*, to a second reading.

The bill from the House of Representatives, entitled

"An act to regulate the mode of granting license to clock pedlars;"

Was read the first time, and,

*Ordered* to a second reading.

On motion of Mr. Davidson,

The resolution of the Senate relative to the appointment of a joint select committee to lay off the state "into Judicial Circuits," as amended by the House of Representatives, was Laid on the table.

The bill from the House of Representatives, entitled

"An act to authorize the county commissioners of La Salle county to lease a certain lot of ground;"

Was read the first time; and

*Ordered* to a second reading.

The amendment of the House of Representatives to the bill from the Senate, entitled

"An act to amend an act for the limitation of actions, and for avoiding vexatious law suits;" approved February 10, 1827, was read and concurred in.

The bill entitled

"An act for the benefit of William Allen;"

Was read a second time; and,

*Ordered* to be engrossed for a third reading.

The bill from the House of Representatives, entitled

"An act for the benefit of John Groves;"

Was read the second time; and,

On motion of Mr. Gatewood,

Referred to a select committee.

*Ordered* that Messrs. Gatewood, Davidson and Whiteside, be the committee.

Mr. Thomas, from the committee on Enrolled Bills, reported as correctly enrolled bills of the following titles, viz.:

"An act to amend an act to establish a state road from Hillsboro' to Alton."

"An act to repeal an act for the relief of the securities of Henry Boyer, late Sheriff of Gallatin county;" approved February 26, 1833.

"An act to authorize Samuel Musick to build a toll bridge across Salt creek, in Sangamon county."

"An act to provide for the sale of the fractional sixteenth section in township six north, range twelve west, and such other lands as have been selected in lieu of the sixteenth sections in the fractional townships upon the Mississippi and Illinois rivers, in Greene county."

"An act declaring the road leading from Paris, in Edgar county to the state line in a direction towards Terre Haute, in Indiana, a state road."

"An act to authorize Willman and Weed to establish a ferry on the Little Wabash river."

"An act concerning the towns of Pittsfield and Chester."

"An act to authorize the county commissioners of Pike county, to sell certain property therein named."

"An act to establish an uniform mode of holding Circuit Courts."

"An act for the benefit of Daniel Curtin."

"An act concerning the town of Galena."

"An act to amend an act directing the location of a state road from Carmi, in White county, to the county road leading from Palestine to Heath's mill, in Lawrence county."

"An act to amend an act entitled an act to provide for the election of justices of the peace and constables."

"An act concerning conveyances by county commissioners."

"An act to permanently establish the road leading from Vandalia to Shelbyville, as far as the county line of Fayette county."

They report as correctly enrolled

"A memorial relative to the establishment of a Surveyor General's office within this state." Also,

"A memorial relative to the 16th sections." Also,

"A preamble and resolution relative to pre-emption rights on public lands." Also,

"A resolution relative to the establishment of Ports of Entry." Also,

Certain resolutions on the subject of a "road from Chicago to Vincennes."

The bill from the House of Representatives, entitled

"An act to amend an act to extend the jurisdiction of justices of the peace;" approved December 19, 1826;

Was read a second time.

The question being put, Shall the bill be read a third time?  
It was decided in the negative.

On motion,

The Senate adjourned until 2 o'clock.

2 o'clock, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Thomas,

The committee of the whole was discharged from the further consideration of the bill entitled "An act to amend the act concerning landlords and tenants;" approved February 13, 1827; and,

On motion of Mr. McGahey,

The bill was laid on the table.

Mr. Davidson, from the select committee to which was referred the resolution from the House of Representatives in relation to "laying off the state into judicial circuits, &c. reported the same back to the Senate without amendment.

Whereupon,

On motion of Mr. Maxwell,

The resolution was laid on the table.

The resolution from the Senate on the same subject, as amended by the House of Representatives, and which was heretofore laid on the table, was taken up, and,

The question being put on concurring with the House of Representatives in their amendment to the said resolution?

It was decided in the affirmative.

*Ordered* that Messrs. Davidson, Stephenson, Will, Ewing, and Jones, be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof.

Mr. Mills asked and obtained leave to introduce a bill entitled

"An act to amend an act appropriating a portion of the avails arising from the sale of Saline lands, in Gallatin county, to internal improvements."

Which was read the first time; and

*Ordered* to a second reading.

Mr. Hacker moved that the Senate resolve itself into a committee of the whole on the bill entitled "An act compensating jurors;" with the proposed amendment thereto.

Mr. Thomas moved to amend said motion, by making it a motion to discharge the committee of the whole from the further consideration of said bill.

Which was not agreed to.

The question recurring on the motion of Mr. Hacker;

The Senate resolved itself into a committee of the whole on said bill and proposed amendments;

Mr. Noel in the chair;

And after some time spent therein,

Mr. Speaker resumed the chair, and Mr. Noel reported:

That the committee of the whole had, according to order, had said bill and proposed amendments under consideration, and had directed him to report the same back to the Senate without amendment. Whereupon,

On motion,

The Senate adjourned.

WEDNESDAY, January 7, 1835.

Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have passed bills of the following titles, viz:

"An act to change a part of the state road leading from Bloomington to Danville;" and

"An act to locate a state road from Bloomington to Chicago."

In the passage of which they ask the concurrence of the Senate.

They have concurred with the Senate in the passage of a bill entitled,

"An act to authorize Alexander Kirkpatrick and William Hicks to build a toll bridge across the Saline creek at Equal-

ity;" as amended by them: in which amendment they ask the concurrence of the Senate.

They have also concurred with the Senate in the preamble and resolution relative to the mistake made by Daniel Malone, of Perry county, in the entry of a certain tract of land, and instructing our Senators, &c. relative to similar mistakes.

They have laid upon the table until the 4th day of July next, the bill from the Senate entitled

"An act to incorporate the Mount Carbon Coal Company."

And he withdrew.

Mr. Thomas from the committee on Enrolled bills, reported:

That on this day, bills of the following titles were laid before the Council of Revision; viz:

"An act for the benefit of Daniel Curtin."

"An act concerning the town of Galena."

"An act to amend an act directing the location of a state road from Carmi, in White county, to the county road leading from Palestine to Heath's mill, in Lawrence county."

"An act to amend an act entitled an act to provide for the election of justices of the peace and constables."

"An act to authorize Willman and Weed to establish a ferry on the Little Wabash river."

"An act to authorize the county commissioners of Pike county, to sell certain property therein named."

"An act concerning conveyances by county commissioners."

"An act to authorize Samuel Musick to build a toll bridge across Salt creek, in Sangamon county."

"An act concerning the towns of Pittsfield and Chester."

"An act to permanently establish the road leading from Vandalia to Shelbyville, as far as the county line of Fayette county."

"An act declaring the road leading from Paris, in Edgar county to the state line in a direction towards Terre Haute, in Indiana, a state road."

"An act to provide for the sale of the fractional sixteenth section in township six north, range twelve west, and such other lands as have been selected in lieu of the sixteenth sections in the fractional townships upon the Mississippi and Illinois rivers, in Greene county."

"An act to establish an uniform mode of holding Circuit Courts."

"An act to amend an act to establish a state road from Hillsboro' to Alton."

"An act to repeal an act for the relief of the securities of Henry Boyer, late Sheriff of Gallatin county;" approved February 26, 1833.

The following memorials and resolutions were this day delivered to the Governor:

"A memorial relative to the establishment of a Surveyor General's office within this state."

"A memorial relative to the 16th sections."

"A resolution relative to the establishment of Ports of Entry."

"Preamble and resolution relative to pre-emption rights on public lands."

"Preamble and resolution in relation to a road from Vincennes to Chicago."

Mr. Thomas, from the committee on the Judiciary, to which was referred the bill entitled "An act allowing appeals in certain cases;"

Reported the same back to the Senate with sundry amendments; which were read and concurred in.

*Ordered*, that the bill be engrossed for a third reading.

Mr. Ewing, from the committee to which was referred a resolution requiring them "to inquire into the expediency or inexpediency of repealing the law passed at the last session of the Legislature providing for the permanent location of the seat of government of Illinois;" reported a bill entitled

"An act to repeal an act permanently to locate the seat of government of Illinois;" approved February 5, 1833;

Which was read the first time; and

*Ordered* to a second reading.

Mr. Williamson, from the select committee to which was referred the petition of Peter Warren, and others, praying "relief for building a bridge across the Kaskaskia river, near Shelbyville;" reported a bill entitled

"An act for the relief of Peter Warren, John Storm, and Andrew Caldwell;"

Was read the first time; and

*Ordered* to a second reading.

On motion of Mr. Williamson,

The rules of the Senate were dispensed with, and the bill read a second time by its title; and

Referred to the same select committee to which was refer-

red the bill from the House of Representatives entitled "An  
for the benefit of John Groves."

Mr. Craig, from the select committee to which was referred  
the bill entitled "An act to amend an act entitled an act re-  
lating to Courts of Probate;" approved January 2, 1829;

Reported the same back to the Senate without amendment.

Mr. Snyder moved to lay said bill on the table.

Which was~~not~~ agreed to.

*Ordered* that the bill be engrossed for a third reading.

Mr. Gatewood asked and obtained leave to introduce a bill  
entitled

An act to repeal all laws authorizing the taxing and collect-  
ing the docket fee in any case either at law or chancery."

Which was read the first time, and,

On the question, Shall the bill be read a second time?

It was decided in the affirmative.—Ayes 14.—Nays 10.

Those who voted in the affirmative, are,

Messrs. Craig, Gatewood, Hacker, Jones, Lane, Maxwell,  
McGahey, Rattan, Stephenson, Snyder, Taylor, Thomas,  
Vance, and Will.—14.

Those who voted in the negative, are,

Messrs. Bond, Davidson, Edwards, Ewing, Mather, Mitch-  
ell, Noel, Whiteside, Williams, and Williamson.—10.

On motion of Mr. Hacker,

The rules of the Senate were dispensed with, and the bill  
read a second time by its title.

Mr. Ewing moved that the bill be indefinitely postponed.

Which was decided in the negative.—Ayes 11.—Nays 13.

Those who voted in the affirmative, are,

Messrs. Bond, Davidson, Edwards, Ewing, Mather, Mitch-  
ell, Noel, Rattan, Whiteside, Williams, and Williamson.—11.

Those who voted in the negative, are,

Messrs. Craig, Gatewood, Hacker, Jones, Lane, Maxwell,  
McGahey, Stephenson, Snyder, Taylor, Thomas, Vance, and  
Will.—13.

On the question, Shall the bill be engrossed and read a third  
time?

It was decided in the affirmative.—Ayes 13.—Nays 11.

Those who voted in the affirmative, are,

Messrs. Craig, Gatewood, Hacker, Jones, Lane, Maxwell,  
McGahey, Stephenson, Snyder, Taylor, Thomas, Vance, and  
Will.—13.

Those who voted in the negative, are,

Messrs. Bond, Davidson, Edwards, Ewing, Mather, Mitchell, Noel, Rattan, Whiteside, Williams, and Williamson.—11.

Mr. Maxwell moved that the Senate now resolve itself into a committee of the whole on the bill from the House of Representatives entitled "An act concerning public roads."

Which was not agreed to.

Mr. Gatewood moved that the committee of the whole be discharged from the further consideration of said bill.

Which was not agreed to.

The bill from the House of Representatives, entitled "An act to change a part of the state road leading from Bloomington to Danville;"

Was read the first time; and

*Ordered* to a second reading.

The bill from the House of Representatives, entitled

"An act to locate a state road from Bloomington to Chicago;"

Was read the first time, and

*Ordered* to a second reading.

The amendment of the House of Representatives to the bill from the Senate entitled "An act to authorize Alexander Kirkpatrick and William Hick to build a toll bridge across the Saline creek at Equality;" was read and concurred in.

*Ordered* That the Secretary inform the House of Representatives thereof.

On motion of Mr. Gatewood, the following resolutions were adopted:

*Resolved*, by the General Assembly of the State of Illinois, That our Senators and Representatives in Congress be requested to use their whole influence to procure the passage of a law reducing the price of lands claimed by the United States which have been in market for fifteen years, to fifty cents per acre.

*Resolved*, That it is highly expedient that the propositions of the foregoing resolution should be pressed forward seriously and ardently, and aside from party considerations; on the grounds that such a measure would facilitate the sale of the public domain; would give to many a poor but worthy family, a home; would give an equal spring to the improvement of every part of the state; and would, in a few years, increase the revenues of the state, by making lands taxable that lie within our limits, now untaxed, and likely to remain so, without such measures should be adopted on the part of Congress, in relation to the sale of the public lands.

*Be it further resolved,* That there is reason and propriety in the suggestion that [the price of] those lands thus long in market, should be reduced; because, the best selections having long since been made, emigrants frequently pass over those unsold, and seek a newer and better soil, at the same price; and because the sale of those lands, at this reduced price, would, by throwing them into the hands of the honest cultivator of the soil, have a tendency to develope the resources of the country, and to hasten, with rapid strides, the progress of the state to happiness and prosperity.

*Ordered,* That the Secretary inform the House of Representatives thereof.

The bill entitled

“An act to vacate the town of Venus, in Hancock county.”

Was read a second time; and,

*Ordered* to be engrossed for a third reading.

The bill entitled

“An act concerning a state road therein named.”

Was read the second time; and,

*Ordered* to be engrossed for a third reading.

The bill entitled

“An act to relocate so much of the state road leading from Lebanon, in St. Clair county, to Vandalia, as lies between Lebanon and the Madison county line.”

Was read a second time; and,

*Ordered* to be engrossed for a third reading.

The bill entitled

“An act for the relief of the securities of Thomas Moore.”

Was read a second time; and,

On motion of Mr. Will,

Referred to the same select committee that reported it.

“An act supplemental to an act to locate, permanently, the seat of justice of Alexander county;” approved January 18, 1833;

Was read the second time; and

*Ordered* to be engrossed for a third reading.

The bill entitled “An act declaring Crooked creek, in Schuyler county, a navigable stream;”

Was read the second time; and

*Ordered* to be engrossed for a third reading.

The bill from the House of Representatives, entitled

“An act to regulate the mode of granting license to clock pedlars;”

Was read a second time; and  
*Ordered* to a third reading.

The bill from the House of Representatives, entitled  
 "An act to authorize the county commissioners of La Salle  
 county to lease a certain lot of ground;"

Was read the second time; and,  
 On motion of Mr. Stephenson,  
 Laid on the table.

The bill entitled

"An act to amend an act appropriating a portion of the  
 avails arising from the sale of the Saline lands in Gallatin  
 county to internal improvements;"

Was read a second time, and,  
 On motion of Mr. Davidson,  
 Laid on the table.

Mr. Stephenson asked and obtained leave to introduce the  
 petition of sundry citizens of Cook county, relating to an al-  
 teration in the addition to the town of Chicago, of which  
 James Kinzie is proprietor;" and,

On motion of Mr. Stephenson,  
 The reading thereof was dispensed with; and the petition  
 Referred to a select committee.

*Ordered* that Messrs. Stephenson, Vance, and Rattan, be  
 the committee.

On motion,

The Senate adjourned until 2 o'clock.

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2 o'clock, P. M.

Senate met pursuant to adjournment.

The bill from the House of Representatives, entitled  
 "An act to amend an act prescribing the mode of summon-  
 ing grand and petit jurors, and defining their qualifications  
 and duties;" approved February 7, 1827;

Was read the second time; and

*Ordered*, to a third reading.

A message from the Council of Revision, by William H.  
 Brown, Esq. their clerk.

**MR. SPEAKER:**—The Council of Revision have approved bills of the following titles:

“An act to authorize the county commissioners of Pike county, to sell certain property therein named.”

“An act to authorize Samuel Musick to build a toll bridge across Salt creek, in Sangamon county.”

“An act to permanently establish the road leading from Vandalia to Shelbyville, as far as the county line of Fayette county.”

“An act declaring the road leading from Paris, in Edgar county to the state line in a direction towards Terre Haute, in Indiana, a state road.”

“An act concerning the towns of Pittsfield and Chester.”

“An act to amend an act entitled an act to provide for the election of justices of the peace and constables.”

“An act concerning conveyances by county commissioners.”

“An act to amend an act to establish a state road from Hillsboro’ to Alton.”

“An act to repeal an act for the relief of the securities of Henry Boyer, late Sheriff of Gallatin county;” approved February 26, 1833.

“An act concerning the town of Galena.”

“An act to amend an act directing the location of a state road from Carmi, in White county, to the county road leading from Palestine to Heath’s mill, in Lawrence county.”

“An act for the benefit of Daniel Curtin.”

“An act to establish an uniform mode of holding Circuit Courts.” And

“An act to authorize Willman and Weed to establish a ferry on the Little Wabash river.”

And he withdrew.

The engrossed bill entitled “An act further defining the powers and duties of trustees of incorporated towns;”

Was read a third time.

Mr. Maxwell moved to amend said bill by inserting in the 15th line, after the word “corporation,” the words “and to require bond and security of such constable, in such sum as they may think proper.”

Which was agreed to.

Whereupon,

On motion of Mr. Davidson,

The bill and amendment was laid on the table.

A message from the Governor, by Mr. Bradley.

MR. SPEAKER:—I am directed by the Governor to lay before the Senate a communication in writing.

And he withdrew. Whereupon,

Mr. Speaker announced that said communication was on executive business. When the doors were closed. And,

On opening the doors;

The engrossed bill entitled

“An act for the benefit of William Allen;”

Was read a third time and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill entitled “An act compensating Jurors,” with the amendments proposed thereto in committee of the whole, was

On motion of Mr. Davidson,

Referred to a select committee.

*Ordered* that Messrs Davidson, Williamson, and Bond, be the committee.

On motion of Mr. Hacker,

*Resolved, by the Senate*, That the committees on the Judiciary be instructed to inquire into the expediency of amending the act entitled “An act for the relief of insolvent debtors.”

A message from the House of Representatives by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have passed bills of the following titles, viz.:

“An act for the removal of the seat of justice of Adams county.”

“An act for the benefit of the heirs and legatees of Curtis Blakeman, Sen'r. deceased;” and

“An act for the benefit of the sheriffs therein named.”

In the passage of which they ask the concurrence of the Senate.

And he withdrew. Whereupon,

The bill first mentioned in said message,

Was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Williams,

The rules of the Senate were dispensed with, and the bill read a second time by its title.

Mr. Williams then moved to refer the bill to the committee on Elections.

Which was not agreed to.

On motion of Mr. Thomas,

The bill and accompanying documents were

Referred to the committee on Petitions.

Mr. Williams asked and obtained leave to introduce a remonstrance from sundry citizens of Adams county, against the removal of the seat of justice of said county; and,

On motion of Mr. Williams,

The reading thereof was dispensed with, and the same

Referred to the committee on Petitions.

The bill from the House of Representatives entitled

"An act for the benefit of the heirs and legatees of Curtis Blakeman, Sen'r. deceased;"

Was read the first time; and

*Ordered* to a second reading.

The bill from the House of Representatives entitled

"An act for the benefit of the sheriffs therein named;"

Was read the first time; and

*Ordered* to a second reading.

On motion of Mr. Gatewood,

The rules of the Senate were dispensed with, and the bill read a second time by its title.

Mr. Gatewood moved to amend said bill by inserting after the word "Franklin," the word "Gallatin."

Mr. Mather moved to refer the bill and proposed amendment to the committee on Finance.

Which was not agreed to.

Mr. Will moved to refer the bill and proposed amendment to a select committee.

Which was not agreed to.

Mr. Hacker moved to lay said bill and proposed amendment on the table.

Which was decided in the negative.

Mr. Noel moved to commit the bill and proposed amendment to the committee of the whole.

Which was also decided in the negative.

The question then recurring on the proposed amendment;

It was decided in the affirmative.

Mr. Williams moved further to amend said bill by inserting "Adams."

Mr. Snyder moved an additional amendment, by adding the following to said bill:

The provisions of this act shall be extended to each and every sheriff in this state." Whereupon,

On motion of Mr. Stephenson,

The bill and proposed amendments were laid on the table until the 4th day of July next.

On motion,

The Senate then adjourned.

THURSDAY, January 8, 1835.

Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have concurred with them in the adoption of the resolutions relative to the reserved alternate sections of land on the canal route, &c.

And he withdrew.

On motion of Mr. Stephenson,

The vote taken on the question to lay on the table until the 4th day of July next, the bill from the House of Representatives entitled "An act for the benefit of the Sheriffs therein named," was reconsidered: and the amendments proposed thereto having been withdrawn:

Mr. Mather moved to amend said bill by inserting "Perry county." Which was agreed to.

On motion of Mr. Maxwell,

The bill and amendments were laid on the table.

Mr. Stephenson, from the select committee to which was referred the petition of sundry citizens of Cook county, praying an alteration in the addition to the town of Chicago, of which James Kinzie is proprietor, reported a bill entitled

"An act to authorize James Kinzie to alter the town plat of the town of Wabonsie."

Which was read the first time, and

*Ordered* to a second reading.

Mr. Davidson, from the joint select committee which was

appointed to lay off the state into judicial circuits, &c. reported a bill entitled

“An act dividing the state into Judicial Circuits.”

Which was read the first time; and

*Ordered* to a second reading.

On motion of Mr. Stephenson,

The rules of the Senate were dispensed with, and the bill read a second time by its title.

Mr. Noel moved to amend said bill by striking out “White” from the fourth judicial circuit.

Which was not agreed to.

Mr Mather moved to add the county of “Perry” to the second judicial circuit.

Mr. Hacker moved to amend said motion so as to make it a motion to add “Perry” to the third judicial circuit.

Which was agreed to.

Mr. Rattan moved to lay the bill and amendment on the table.

Which was not agreed to.

Mr. Bond moved to strike out “Effingham” from the second judicial circuit.

Which was decided in the negative.

On the question, Shall the bill, as amended, be engrossed for a third reading?

It was decided in the affirmative.

Mr. Ewing asked and obtained leave to introduce a bill entitled “An act relative to the town of Vandalia.”

Was read the first time; and

*Ordered* to a second reading.

On motion,

The Senate adjourned.

FRIDAY, January 9, 1835.

Senate met pursuant to adjournment.

The bill entitled

“An act to repeal an act permanently to locate the seat of government of Illinois;” approved February 5, 1833;

Was read the second time; and,  
 On motion of Mr. Edwards,  
 Laid on the table.  
 The bill from the House of Representatives, entitled  
 "An act to change a part of the state road leading from  
 Bloomington to Danville;"  
 Was read a second time; and,  
*Ordered*, to a third reading.  
 The bill from the House of Representatives, entitled  
 An act to locate a state road from Bloomington to Chicago;  
 Was read the second time; and,  
*Ordered* to a third reading.  
 The bill from the House of Representatives, entitled  
 "An act for the benefit of the heirs and legatees of Curtis  
 Blakeman, sen'r. deceased;" was,  
 On motion of Mr. Mather,  
 Was read a second time by its title; and,  
 On motion of Mr. Edwards,  
 Referred to a select committee.  
*Ordered* that Messrs. Edwards, Craig, and Mather, be the  
 committee.

The bill entitled  
 "An act to authorize James Kinzie to alter the town plat of  
 the town of Wabonsie;" was read a second time.  
 Mr. Forquer moved to refer said bill to the committee on  
 the Judiciary.

Mr. Ewing moved to lay said bill on the table.  
 Which was not agreed to.  
 The question then recurring on referring said bill to the  
 committee on the Judiciary.

It was decided in the negative.  
*Ordered* that the bill be engrossed for a third reading.  
 A message from the House of Representatives, by Mr.  
 Scates their assistant clerk.

MR. SPEAKER:—I am directed to inform the Senate that the  
 House of Representatives have passed bills of the following  
 titles, viz:

"An act for the relief of the people of White county;" and  
 "An act to locate and establish a state road therein named."  
 In the passage of which they ask the concurrence of the  
 Senate.

They have concurred with the Senate in the passage of a  
 bill entitled

"An act to authorize certain persons, therein named, to erect mill dams."

They have adopted the following resolutions, viz.:

*Resolved*, That William C. Butler be recommended to the Senate as a suitable person to fill the office of county surveyor of Warren county.

*Resolved*, That Ephraim Gilmore be nominated to the Senate as a suitable person to fill the office of county surveyor of Mercer county. And he withdrew.

The bill entitled "An act relative to the town of Vandalia;" was read a second time; and,

On motion of Mr. Thomas,

Referred to a select committee.

*Ordered* That Messrs. Thomas, Ewing, and Mills, be the committee.

The engrossed bills entitled

"An act allowing appeals in certain cases;" and

"An act to amend an act entitled an act relating to courts of probate;" approved January 2, 1829;

Were severally read a third time, and passed.

*Ordered*, That the titles of the bills be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein

The bill entitled

An act to repeal all laws authorizing the taxing and collecting the docket fee in any case either at law or chancery;"

Was read the third time.

Mr. Stephenson moved to lay said bill on the table.

Which was not agreed to.

On the question, Shall said bill pass?

It was decided in the affirmative.—Ayes 14.—Nays 12.

Those who voted in the affirmative, are,

Messrs. Craig, Forquer, Gatewood, Hacker, Jones, Lane, Maxwell, McGahey, Stephenson, Snyder, Taylor, Thomas, Vance, and Will.—14.

Those who voted in the negative, are,

Messrs, Bond, Davidson, Edwards, Ewing, Mather, Mills, Mitchell, Noel, Rattan, Whiteside, Williams, and Williamson.—12.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Gatewood,

The orders of the day were dispensed with.

Mr. Will proposed for adoption the following resolution, viz.: :

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of taxing all bachelors over the age of twenty-four years, and that they have leave to report by bill or otherwise.

Mr. Thomas moved to lay said resolution on the table until the fourth day of July next.

Which was decided in the affirmative.—Ayes 17.—Nays 9.

Those who voted in the affirmative, are,

Messrs. Edwards, Ewing, Forquer, Jones, Maxwell, Mather, Mills, Mitchell, McGahey, Noel, Rattan, Stephenson, Thomas, Vance, Whiteside, Williams, and Williamson.—17.

Those who voted in the negative, are,

Messrs. Bond, Craig, Davidson, Gatewood, Hacker, Lane, Snyder, Taylor, and Will.—9.

Mr. Mather moved that the Senate now resume the orders of the day.

Which was not agreed to.

Mr. Taylor proposed for adoption the following preamble and resolutions, viz.: :

Whereas it has become the established practice of the Legislatures of many of the states, to express, through the medium of resolutions, their opinion of the manner in which the functionaries of the nation have discharged their respective duties: And whereas the conduct of the Bank of the United States, in its abuses, assumptions of power not delegated to it, and malversations, demand a decisive expression thereon by the Legislature of this state, it is therefore

*Resolved by the General Assembly of the State of Illinois*, That the said institution has justly forfeited the confidence of the nation, because it has transcended its chartered limits in the mode in which its business has been conducted; because, instead of pursuing the object of its creation it has diverted a considerable portion of its means to subsidizing and corrupting the press, and engaged in political controversies: Because it has directed its whole power and influence against the general government, and attempted to embarrass and distract the administration.

For bringing insolvency and distress upon the commercial community, with the view of coercing, thereby, a recharter from the Congress of the United States, reckless of every consideration but its own interest:

For an illegal and highly censurable interference with the redemption of the stocks of the United States, by which it attempted to defeat the liquidation of the public debt, at the period intended by the government:

For illegally seizing on the dividends due to the government of the United States on its stock of the bank, under a mere pretext, as feeble as it is unjustifiable, and applying the same to its own use.

For illegally detaining the possession of the books and papers relating to the pension agencies, thereby delaying payment of pensions due to a large number of the veterans of the revolution, who had shed their blood in the attainment of our liberties and independence:

For refusing to submit its books and papers to the examination of a committee of Congress, expressly appointed for such purpose, agreeably to the provisions of its charter; thereby setting at defiance the will of the nation solemnly expressed through its constituted authority:

And whereas, such a train of abuses, violations of law, and misapplication of powers, have not only justly destroyed the confidence of the great mass of the community in its officers, but established, beyond doubt, that an institution with such powers as the bank of the United States, endangers the stability of our republican institutions, and tends to undermine the very foundation of our government: Therefore,

*Resolved*, That the removal of the public deposits from the Bank of the United States, considering as well the time and manner in which it was done, was an act performed under an imperious sense of duty, called for by the occasion, and in strict adherence to constitutional rights.

*Resolved*, That the bank of the United States ought not to be rechartered.

*Resolved*, That, in our opinion, the majority of the Senate of the United States, in refusing to permit the entry of the protest of the President of the United States, on its journals, in relation to a resolution passed by that body tending to impeach him for a removal of the public deposits, were guilty of an arbitrary act not justified by right; and also committed an act of indignity to the nation, in the person of their chief magistrate.

*Resolved*, That the Senators of this state be instructed and the representatives requested to oppose the restoration of the

deposits, and the renewal of the charter of the United States' Bank.

*Resolved*, That we continue to repose undiminished confidence in Andrew Jackson, President of the United States; and that we approve of the whole course of his administration, which so eminently contributed to advance the honor and prosperity of the nation.

*Resolved*, That the Governor be requested to transmit a copy of the foregoing resolutions, to the President of the United States, and to each Senator and Representative in Congress.

Mr. Ewing moved to commit said resolutions to a committee of the whole, and make them the order of the day for to-morrow.

Which was not agreed to.

Mr. Williams moved to lay said resolutions on the table.

Which was decided in the negative.—Ayes 9.—Nays 17.

Those who voted in the affirmative, are,

Messrs. Davidson, Edwards, Gatewood, Jones, Mather, Thomas, Vance, Will and Williams.—9.

Those who voted in the negative, are,

Messrs. Bond, Craig, Ewing, Hacker, Lane, Maxwell, Mills, Mitchell, McGahey, Noel, Rattan, Stephenson, Snyder, Taylor, Whiteside, and Williamson.—17.

Mr. Williams moved that the Senate adjourn.

Which was not agreed to.

Mr. Mather moved that the Senate adjourn until 2 o'clock.

Which was not agreed to.

Mr. Hacker moved that the Senate adjourn.

Which was not agreed to.

On motion of Mr. Hacker,

The sixth of said resolutions was amended by striking out the word "whole," and inserting, in lieu thereof, the word "general."

Mr. Ewing moved to adjourn until two o'clock.

Which was not agreed to.

On motion of Mr. Mather,

The Senate then adjourned.

SATURDAY, January 10, 1835.

Senate met pursuant to adjournment;

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have passed bills of the following titles, viz:

“An act for the relief of Lewis J. Clawson.”

“An act to view and lay out a state road from Brownsville, by way of Pinckneyville, to New Nashville, in Washington county.”

“An act declaring the road from Seward’s to Taylor’s, a state road.”

“An act to establish a state road from Crow’s, in the county of Morgan, by the way of Athens, in Sangamon county, to Musick’s bridge on Salt creek.” And,

“An act to incorporate the Chicago and Vincennes Railroad Company.”

In the passage of which they ask the concurrence of the Senate.

They have concurred with the Senate in the passage of a bill entitled

“An act to amend an act entitled ‘An act to locate a state road from Quincy, in Adams county, to Macomb, in McDonough county;’” approved February 12, 1833.

They have also concurred with the Senate in the adoption of the resolutions in relation to the “reduction of the price of public lands,” as amended by them. Amend as follows:

Strike out “15” in the first resolution and insert “10.”—

In which amendment they ask the concurrence of the Senate.

They have adopted a preamble and resolutions in relation to the present administration of the General Government, the United States’ Bank, &c. in the adoption of which they ask the concurrence of the Senate. And he withdrew.

Mr. Mather, from the committee on Petitions, to which was referred the bill from the House of Representatives, entitled “An act to change part of the state road leading from Hillsboro’ to Carlinville;” with the accompanying documents,

Reported the same back to the Senate with an amendment, which was read and concurred in.

On motion of Mr. Craig,

The bill and accompanying documents were then  
Laid upon the table.

Mr. Williams, from the committee on the Judiciary, to  
which was referred the bill entitled,

"An act authorizing clerks of the circuit court to grant  
writs of ne exeat;" reported the same back to the Senate  
with an amendment; which was read and concurred in.

Mr. Thomas moved to amend the bill, as amended, by in-  
serting in the 2d section, before the words "ne exeat," the  
words "habeas corpus."

Which was agreed to.

On motion of Mr. McGahey,

The bill was further amended, by striking out, in the first  
section, the words "learned in the law, if such person can be  
found in the county."

Mr. Thomas moved further to amend the bill, by inserting,  
in the first section, after the word "county," the words "if he  
shall deem it necessary."

Which was not agreed to.

Mr. Hacker moved that the further consideration of the  
bill and amendments, be indefinitely postponed.

Which was not agreed to.

*Ordered* that the bill as amended, be engrossed for a third  
reading.

Mr. Stephenson asked and obtained leave to introduce the  
petition of James Kinzie and Alexander Robinson, asking for  
a pre-emption right to certain canal lands, as a compensation  
for losses sustained by them by the location of the canal route.

Which was read. When,

Mr. Stephenson moved to refer said petition to a select  
committee.

Mr. Mather moved to amend said motion by adding "and  
that they have power to send for persons and papers."

Which was agreed to.

Mr. Forquer moved to amend the motion so as to make it  
a motion to lay on the table until the 4th day of July next.

Whereupon,

On motion,

The Senate adjourned until 2 o'clock.

2 o'clock, P. M.

Senate met pursuant to adjournment.

The bill from the House of Representatives, entitled  
 "An act for the relief of the people of White county;"  
 Was read the first time; and  
*Ordered* to a second reading.

The bill from the House of Representatives entitled  
 "An act to locate and establish a state road therein named;"  
 Was read the first time; and  
*Ordered* to a second reading.

The petition of James Kinzie and Alexander Robinson being under consideration; and

The question being put on Mr. Forquer's motion to lay said petition on the table until the 4th day of July next?

It was decided in the negative.—Ayes 3.—Nays 16.

Those who voted in the affirmative, are,

Messrs. Forquer, Jones, Lane, Mather, Rattan, Thomas, Vance, and Williamson.—8.

Those who voted in the negative, are,

Messrs, Bond, Craig, Edwards, Ewing, Hacker, Maxwell, Mills, Mitchell, McGahey, Noel, Stephenson, Snyder, Taylor, Whiteside, Will, and Williams.—16.

Mr. Thomas moved to refer the petition to the committee on Petitions.

Which was not agreed to.

The question was then put on Mr. Stephenson's motion to refer the petition to a select committee? And

Decided in the affirmative.—Ayes 23.—Nays 2.

Those who voted in the affirmative, are,

Messrs. Bond, Craig, Davidson, Edwards, Ewing, Forquer, Hacker, Jones, Lane, Maxwell, Mather, Mills, Mitchell, McGahey, Noel, Rattan, Stephenson, Snyder, Taylor, Vance, Whiteside, Will, and Williams.—23.

Those who voted in the negative, are,

Messrs. Thomas, and Williamson.—2.

*Ordered* that Messrs. Stephenson, Mitchell, and McGahey, be the committee.

A message from the Governor, by Mr. Field, Secretary of State.

MR. SPEAKER:—I am directed by the Governor to lay before the Senate two communications in writing.

And he withdrew.

The preamble and resolutions offered by Mr. Taylor on yesterday, were then taken under consideration.

Whereupon,

Mr. Gatewood moved to strike out the preamble and first resolution.

Mr. Ewing moved the previous question; and,

On the question, Shall the main question be now put?

It was decided in the affirmative.—Ayes 16.—Nays 10.

Those who voted in the affirmative, are,

Messrs. Bond, Craig, Davidson, Ewing, Forquer, Lane, Maxwell, Mills, Mitchell, McGahey, Noel, Rattan, Stephenson, Snyder, Taylor, and Whiteside.—16.

Those who voted in the negative, are,

Messrs. Edwards, Gatewood, Hacker, Jones, Mather, Thomas, Vance, Will, Williams, and Williamson.—10.

A division of the question having been called for on the adoption of the preamble and resolutions;

The question was first put on the adoption of the first resolution? and

Decided in the affirmative.—Ayes 17.—Nays 9.

Those who voted in the affirmative, are,

Messrs. Bond, Craig, Davidson, Ewing, Forquer, Hacker, Lane, Maxwell, Mitchell, McGahey, Noel, Rattan, Stephenson, Snyder, Taylor, Whiteside, and Williamson.—17.

Those who voted in the negative, are,

Messrs. Edwards, Gatewood, Jones, Mather, Mills, Thomas, Vance, and Will, and Williams.—9.

The question was then put on the adoption of the second resolution? and

Decided in the affirmative.—Ayes 17.—Nays 9.

Those who voted in the affirmative, are

Messrs. Bond, Craig, Davidson, Ewing, Forquer, Hacker, Lane, Maxwell, Mitchell, McGahey, Noel, Rattan, Stephenson, Snyder, Taylor, Whiteside and Williamson.—17.

Those who voted in the negative, are,

Messrs. Edwards, Gatewood, Jones, Mather, Mills, Thomas, Vance, Will and Williams.—9.

The question being then put on the adoption of the third resolution?

It was decided in the affirmative.—Ayes 20.—Nays 6.

Those who voted in the affirmative, are

Messrs. Bond, Craig, Davidson, Ewing, Forquer, Gatewood, Hacker, Lane, Maxwell, Mitchell, McGahey, Noel

Rattan, Stephenson, Snyder, Taylor, Thomas, Whiteside, Will, and Williamson.—20.

Those who voted in the negative, are

Messrs. Edwards, Jones, Mather, Mills, Vance, and Williams.—6.

The question on the adoption of the fourth resolution,  
Was decided in the affirmative.—Ayes 18.—Nays 3.

Those who voted in the affirmative, are

Messrs. Bond, Craig, Davidson, Ewing, Forquer, Hacker, Lane, Maxwell, Mitchell, McGahey, Noel, Rattan, Stephenson, Snyder, Taylor, Whiteside, Will, and Williamson.—18.

Those who voted in the negative, are

Messrs. Edwards, Gatewood, Jones, Mather, Mills, Thomas, Vance, and Williams.—8

The question on the adoption of the fifth resolution,  
Was decided in the affirmative.—Ayes 19.—Nays 7.

Those who voted in the affirmative, are

Messrs. Bond, Craig, Davidson, Ewing, Forquer, Gatewood, Hacker, Lane, Maxwell, Mitchell, McGahey, Noel, Rattan, Stephenson, Snyder, Taylor, Whiteside, Will, and Williamson.—19.

Those who voted in the negative, are

Messrs. Edwards, Jones, Mather, Mills, Thomas, Vance, and Williams.—7.

The question on the adoption of the sixth resolution, was  
Decided in the affirmative.—Ayes 19.—Nays 7.

Those who voted in the affirmative, are

Messrs. Bond, Craig, Davidson, Ewing, Forquer, Gatewood, Hacker, Lane, Maxwell, Mitchell, McGahey, Noel, Rattan, Stephenson, Snyder, Taylor, Whiteside, Will, and Williamson.—19.

Those who voted in the negative, are

Messrs. Edwards, Jones, Mather, Mills, Thomas, Vance, and Williams.—7.

The question on the adoption of the seventh resolution,  
was

Decided in the affirmative.—Ayes 19.—Nays 7.

Those who voted in the affirmative, are

Messrs. Bond, Craig, Davidson, Ewing, Forquer, Gatewood, Hacker, Lane, Maxwell, Mitchell, McGahey, Noel, Rattan, Stephenson, Snyder, Taylor, Whiteside, Will, and Williamson.—19.

Those who voted in the negative, are

Messrs. Edwards, Jones, Mather, Mills, Thomas, Vance, and Williams.—7.

The question was then put, on the adoption of the preamble and

Decided in the affirmative.—Ayes 17.—Nays 9.

Those who voted in the affirmative, are

Messrs. Bond, Craig, Davidson, Ewing, Forquer, Hacker, Lane, Maxwell, Mitchell, McGahey, Noel, Rattan, Stephenson, Snyder, Taylor, Whiteside and Williamson.—17.

Those who voted in the negative, are

Messrs. Edwards, Gatewood, Jones, Mather, Mills, Thomas, Vance, Will and Williams.—9.

*Ordered*, That the Secretary inform the House of Representatives of the adoption of the foregoing preamble and resolutions, and ask their concurrence therein.

On motion,

The Senate adjourned until Monday morning, 10 o'clock.

MONDAY, *January 12, 1835.*

Senate met pursuant to adjournment.

On motion of Mr. McGahey,

The bill entitled

“An act dividing the state into Judicial Circuits;”

Was read the third time.

On motion of Mr. Thomas,

The bill was amended by adding “Macoupin” to the first Judicial Circuit.

The question was then put, Shall the bill pass? and

Decided in the affirmative.—Ayes 16—Nays 3.

Those who voted in the affirmative, are

Messrs. Craig, Davidson, Edwards, Gatewood, Jones, Lane, Mather, Mitchell, McGahey, Stephenson, Thomas, Vance, Whiteside, Will, and Williamson.—16.

Those who voted in the negative, are

Messrs. Mills, Noel, and Rattan.—3.

*Ordered*, That the title of the bill be as aforesaid, and that

the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Stephenson, from the select committee, to whom was referred the petition of James Kinzie and Alexander Robinson praying that "they may be permitted to enter so much of certain canal lands at \$1 25 per acre as shall be deemed a compensation for the losses they have sustained because of the location of the canal route, reported,

That the act of Congress granting a certain portion of the public domain to the state of Illinois, in aid of the construction of the Michigan and Illinois canal, provides in express terms that those lands shall be appropriated to effect that communication: and in no subsequent act of the Congress of the United States relating to these lands, can the committee discover any phraseology less imperious with regard to the disposition of this property, than is contained in the original grant.

The committee therefore believe, that any appropriation on the part of this legislature, of these lands, or any portion thereof, or of their avails, by way of remuneration to individuals, for losses arising out of the location of canal lands, or for any other purpose whatever, than is contemplated by the original grant; would amount to an illegal and unauthorized interference with the rights of the state, tending to compromit its faith, and involving, in effect, the forfeiture of the lands.

The committee, however, believe it unjust, as well as inconsistent with the spirit of our institutions, to effect even magnificent and important public works, at the expense of individual interests. They, therefore, would gladly yield their aid to secure the favorable reception of every private claim founded in justice, and supported by truth, that may have grown out of the necessity of effecting this deeply interesting and important communication.

From all the testimony with which they have been presented touching the justness of the claims of James Kinzie and Alexander Robinson, the committee feel warranted in saying, that the memorialists are justly entitled to some compensation for the losses which they have sustained, to subserve the public interest. In the absence, however, of sufficient data, upon which to predicate an estimate of the extent of their losses, the committee ask to be relieved from the further consideration of the memorial.

The question being put upon concurring with the commit-

tee in their report, and discharging them from the further consideration of the said petition;

It was decided in the affirmative.—Ayes 20.—Nays 4.

Those who voted in the affirmative, are

Messrs. Bond, Craig, Davidson, Edwards, Ewing, Forquer, Gatewood, Hacker, Jones, Lane, Maxwell, Mitchell, McGahay, Noel, Stephenson, Taylor, Vance, Whiteside, Will, and Williamson.—20.

Those who voted in the negative, are

Messrs. Mather, Rattan, Snyder, and Thomas.—4.

Mr. Maxwell, from the select committee to which was referred the bill from the House of Representatives entitled

“An act defining the duties of public printers, and fixing the time and manner of performing the same;” with the amendment thereto,

Reported the same back to the Senate without amendment.

On motion of Mr. Thomas,

The sixth section of the bill was amended by striking out after the word “shall” in the latter part of said section, the word “not.”

On the question, Shall the bill pass?

It was decided in the affirmative.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendments to the same.

Mr. Snyder asked and obtained leave to introduce the petition of sundry citizens of St. Clair county, praying the legislature to memorialize Congress to grant one quarter section of the Cahokia commons, in said county, for the purpose of establishing a ferry, and other purposes therein named; and,

On motion of Mr. Snyder,

The reading thereof was dispensed with; and the petition Referred to a select committee.

*Ordered* that Messrs. Snyder, Thomas, and Mills, be the committee.

The engrossed bills entitled

“An act to vacate the town of Venus, in Hancock county;” and

“An act concerning a state road therein named;”

Were severally read a third time, and passed.

*Ordered* that the titles of said bills be as aforesaid, and that

the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill entitled

"An act to re-locate so much of the state road leading from Lebanon, in St. Clair county, to Vandalia, as lies between Lebanon and the Madison county line;" was,

On motion of Mr. Snyder,

Laid on the table.

The engrossed bills entitled

"An act supplemental to an act to locate, permanently, the seat of justice of Alexander county;" approved January 18, 1833;

The bill entitled "An act declaring Crooked creek, in Schuyler county, a navigable stream;" and

The bill from the House of Representatives entitled

"An act to regulate the mode of granting license to clock pedlars;"

Were severally read a third time and passed.

*Ordered*, That the titles of the bills be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled

"An act to amend an act prescribing the mode of summoning grand and petit jurors, and defining their qualifications and duties;" approved February 7, 1827;

Was read the third time; and,

On motion of Mr. Gatewood,

Amended, by striking out the words "This act to take effect from and after the first day of January next."

On the question, Shall the bill pass?

It was decided in the affirmative.

*Ordered* that the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bills from the House of Representatives, entitled

"An act to change a part of the state road leading from Bloomington to Danville;" and

"An act to locate a state road from Bloomington to Chicago;"

Were severally read the third time, and passed.

*Ordered* that the titles of the bills be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The engrossed bill entitled

"An act to authorize James Kinzie to alter the town plat of the town of Wabonsie," was read the third time; and,

On motion of Mr. Thomas,

Amended, by inserting after the word "wishes," the words "rights or interests."

The question was then put, Shall the bill pass? and Decided in the affirmative.

*Ordered*, That the title of the bill be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled "An act for the relief of the people of White county;" Was read a second time; and,

*Ordered*, to a third reading.

The bill from the House of Representatives, entitled "An act to locate and establish a state road therein named;" Was read the second time; and,

On motion of Mr. Snyder,

Amended, by inserting "Joseph Penn, sen." after the name of "Anthony W. Casad."

*Ordered* that the bill be read a third time.

The engrossed bill entitled

"An act authorizing clerks of the circuit courts to grant writs of ne exeat;"

Was read the third time; and,

On motion of Mr. Thomas,

Laid on the table.

The nominations made by the House of Representatives, of William C. Butler for county surveyor of Warren county, and Ephraim Gilmore, for county surveyor of Mercer county, were severally confirmed.

On motion of Mr. Gatewood,

The bill heretofore laid on the table, entitled

"An act for the benefit of Robert Ritchey," was taken up.

Mr. Taylor moved to amend the third section of said bill by striking out the word "fifteen," and inserting, in lieu thereof, the word "five."

A division of the question being called for, the question was put upon striking out; and

Decided in the negative.

On motion of Mr. Thomas,

The third section of said bill was then amended by adding thereto the following "provided that the consent of three-

fourths, of the legal voters of the township shall be obtained to the making of such lease."

*Ordered* that the bill, as amended, be engrossed for a third reading.

On motion,

The Senate adjourned until 2 o'clock.

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2 o'clock, P. M.

Senate met pursuant to adjournment:

And was called to order by the Secretary.

Mr. Stephenson stated that Mr. Speaker was indisposed, and unable to attend. Whereupon,

On motion of Mr. Ewing,

Mr. Mather was chosen speaker, *pro tempore*.

The bill from the House of Representatives, entitled

"An act for the relief of Lewis J. Clawson;"

Was read the first time; and

*Ordered* to a second reading.

The bill from the House of Representatives, entitled

"An act to view and lay out a state road from Brownsville, by way of Pinckneyville, to New Nashville, in Washington county;"

Was read the first time, and

*Ordered* to a second reading.

The bill from the House of Representatives, entitled

"An act declaring the road from Seward's to Taylor's, a state road;"

Was read the first time: and

*Ordered* to a second reading.

On motion of Mr. Craig,

The rules of the Senate were dispensed with, and the bill read a second time by its title; and,

Laid upon the table.

The bill from the House of Representatives, entitled

"An act to establish a state road from Crow's, in the county of Morgan, by the way of Athens, in Sangamon county, to Musick's bridge on Salt creek;"

Was read the first time, and,

*Ordered* to a second reading.

The bill from the House of Representatives, entitled  
“An act to incorporate the Chicago and Vincennes Railroad  
Company;”

Was read the first time; and

*Ordered* to a second reading.

On motion of Mr. Davidson,

The rules of the Senate were dispensed with, and the bill  
read a second time by its title.

Mr. Noel moved to lay the bill on the table.

Which was not agreed to.

The question was then put, Shall the bill be read a third  
time?

And was decided in the affirmative.—Ayes 17.—Nays 5.

Those who voted in the affirmative, are

Messrs. Craig, Davidson, Edwards, Ewing, Gatewood,  
Hacker, Jones, Lane, Mills, Mitchell, McGahey, Stephenson,  
Thomas, Vance, Whiteside, Will, and Williamson.—17.

Those who voted in the negative, are

Messrs. Mather, Noel, Rattan, Snyder, and Taylor.—5.

The amendment of the House of Representatives to the  
resolutions of the Senate relative to a reduction of the price  
of public lands, were then taken under consideration. Where-  
upon,

On motion of Mr. Gatewood,

The resolutions and amendment were

Referred to a select committee.

*Ordered* that Messrs. Gatewood, Thomas, and Bond, be the  
committee.

The resolutions from the House of Representatives in re-  
lation to the present administration, the United States' Bank,  
&c. were,

On motion of Mr. Ewing,

Laid on the table.

On motion of Mr. Edwards,

The bill heretofore laid on table, entitled “An act to provide  
for the distribution and application of the interest on the  
School, College, and Seminary funds;” was taken up, and,

On motion of Mr. Gatewood,

Committed to a committee of the whole.

The following communication from the Governor, received  
on yesterday, was then read; viz.:

TO THE HONORABLE, THE SENATE:

In complying with your resolution of the 6th inst. calling on me for the facts and information upon which I recommended a loan of money, equal to the value of the lands owned by the state, for constructing or commencing the Michigan and Illinois canal:

I beg leave to state that my conviction of the propriety of such a measure has been formed from a knowledge that a similar policy had been adopted by several of our sister states with eminent success. New York and Ohio have finished their principal works of this kind, which leaves no doubt on the minds of the most sceptical, of the grand results they have produced, not only upon the value of their agricultural productions, and improvement of the country, but upon the wealth and resources of those two states.

I have no statistical account before me of the revenue derived by Ohio from the canal, but have seen it stated in some of the public prints to be very considerable, after paying the interest on the money borrowed by the state for its construction. I perceive that in 1833, the state of New York received one million three hundred and seventeen thousand four hundred dollars, for tolls on the Erie Canal, after deducting the expense of collecting; or nine hundred and sixty thousand six hundred and six dollars after paying the interest on the money borrowed to construct the canal. I have not the account of the last year before me, but have seen it stated that the clear profits of the canal, after paying the interest on the sum expended in making it, was approaching fourteen hundred thousand dollars.

Pennsylvania has adopted the same policy, and although she unwisely (as it is generally believed) commenced most of her canals at the same time, which retards the completion of any of them, there cannot be a doubt of her ultimate success, also. Indiana, too, has borrowed monay, and is progressing rapidly with the canal from Lake Erie to the Wabash, and will doubtless succeed.

The reasons which influenced me to advise the loan of no larger sum at present, than can be borrowed on a pledge of the canal lands, and then to apply to Congress for another grant, may be found in the fact that this is a great national work, and that Congress believed, when those lands were granted, they were sufficient to make the canal; as will appear by reference to the proceedings and debates which took

place when the appropriation was made. That this canal is regarded by Congress as a national work of the highest importance, is well known to myself, and to all those who have taken the least interest in it: and that Congress will make further appropriations when the state shall have expended the value of the canal lands, is strongly manifested by the following extract from a report made by the committee on roads and canals, at the last session of Congress, on a proposition I submitted, for additional aid to make a steam boat canal:

"Further aid from the United States towards the construction of this interesting communication, should be deferred, till such an examination and estimate be made, and a plan be adopted by the state of Illinois, for the construction of its necessary works. When this plan shall have been fixed, and presented to the consideration of Congress, there can be no doubt that, if approved by them, additional aid will be afforded to an enterprize of such national importance."

I think this may be considered a pledge, to some extent, that further aid, at a proper time, will be afforded. When we look at the direct interest which every state in the Union has in this canal, as a means, in case of maritime war, of keeping up the extensive and almost indispensable commerce now carried on, between the northern and southern sections of our Union, we have no reason to believe that the nation will allow this improvement to form an exception to all others; and, after making a partial appropriation, permit the work to stop.

As this will be the shortest, safest, and most certain communication between the lakes and the Mississippi, through it a large portion of the commerce of most of the states must pass; and it will doubtless be an object with Congress to construct it at the national expense, so as to relieve the state from the necessity of imposing a heavy tax on commerce to pay for the improvement. The state should prefer such a course, as it will also relieve our citizens from a tax on their own productions.

Another reason for believing that Congress will make further appropriations, may be found in the fact, that most of our sister states feel a lively interest in the speedy accomplishment of this work; and at the last session of Congress, petitions from a large portion of Pennsylvania, were received, urging Congress to make appropriations to open this channel; from one of which petitions I make the following extract:

"The petition urges Congress to appropriate the surplus

revenue, to open a steam boat or ship channel from the Chesapeake bay to the lakes; and between Michigan Lake and the Illinois river." They represent, that "the construction of those improvements, would effect a circle of inland navigation of several thousand miles in extent. They would be highly beneficial to many of the states, and of immense national importance. The extent of country interested in those two improvements, embraces, probably, more than half the Union. No other improvements within our country, can be projected, which will be so extensively useful. As a bond of Union between the East and the West, the North and the South, they will be of the utmost importance. The extensive internal trade which will float upon them, will tend to bind together the remote sections of our country, by the tie of common interest. In time of war, they will afford the opportunity of concentrating the national force wherever required," &c.

It is manifest, I think, from the foregoing, and every other evidence before us, that it is only necessary to give this great work a start, and the whole nation will unite in forcing its completion. Under this impression, I recommend, that at least for the present, we rely exclusively on the nation to furnish the means to make this canal; which, when made, like other national highways within any of the states, shall belong to the state, with power to regulate the tolls, and keep it in repair. And as it would be inexpedient at present to sell those lands, I recommend that a loan be effected on a pledge of them and the canal, and that provision be made to pay the interest on the loan, out of the sale of town lots at Chicago and other places on the route.

I have the honor to be your ob't. serv't.

JOSEPH DUNCAN.

Mr. Taylor moved that said communication be referred to the committee on Internal Improvements.

Which was not agreed to.

Mr. Davidson moved to lay said communication on the table, and that 300 copies be printed.

A division of the question having been called for:

The question was first put upon laying the communication on the table; and

Decided in the affirmative.

Mr. Williamson moved that 300 copies be printed.

Which was decided in the negative.—Ayes 10.—Nays 13.

Those who voted in the affirmative, are,  
 Messrs. Craig, Davidson, Edwards, Gatewood, Jones, Mather, Mills, Noel, Thomas, and Williamson.—10.

Those who voted in the negative, are,  
 Messrs. Bond, Ewing, Hacker, Lane, Maxwell, Mitchell, McGahey, Rattan, Stephenson, Snyder, Taylor, Vance, and Whiteside.—13.

Mr. Ewing moved that the vote just taken on laying the communication on the table, be reconsidered.

Was decided in the negative.—Ayes 11.—Nays 12.

Those who voted in the affirmative, are  
 Messrs. Craig, Ewing, Hacker, Maxwell, McGahey, Rattan, Stephenson, Snyder, Taylor, Vance, and Whiteside.—11.

Those who voted in the negative, are  
 Messrs. Bond, Davidson, Edwards, Gatewood, Jones, Lane, Mather, Mills, Mitchell, Noel, Thomas, and Williamson.—12.

On motion,

The Senate adjourned.

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TUESDAY, January, 13, 1835.

Senate met pursuant to adjournment;

Mr. Mather in the chair.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives do not concur with them in their amendment to the bill from the House of Representatives, entitled

“An act supplemental to an act entitled ‘An act relative to wills and testaments.’”

They have passed bills of the following titles, viz:

“An act to incorporate Mount Carmel in Wabash county;” and

“An act to amend an act regulating enclosures.”

In the passage of which they ask the concurrence of the Senate.

They have adopted the following resolutions, viz.:

**"Resolved,** That a joint select committee be appointed to draft and report resolutions or a memorial to Congress, relative to the location and continuation of the Cumberland road through the state of Illinois; and have appointed Messrs. Thomas, Tunnell, and Harris, the committee on their part:

In the adoption of which they ask the concurrence of the Senate. And he withdrew.

Mr. Mitchell asked and obtained leave to introduce the petition of sundry citizens of Tazewell county, in relation to a certain sixteenth section in said county; and,

On motion of Mr. Mitchell,

The reading thereof was dispensed with, and the petition Referred to a select committee.

**Ordered** That Messrs. Mitchell, Thomas, and Will, be the committee.

Mr. Thomas, from the committee on the Judiciary, to which was referred the bill from the House of Representatives entitled

'An act to amend an act regulating the mode of trying the right of property,'

Reported the same back to the Senate with an amendment, which was read; and,

On the question, Will the Senate concur with the committee in their amendment to said bill?

It was decided in the negative.

On the question, Shall the bill be read a third time?

It was decided in the affirmative.—Ayes 18—Nays 6.

Those who voted in the affirmative, are

Messrs. Craig, Davidson, Edwards, Ewing, Forquer, Hacker, Lane, Maxwell, Mather, Mills, Mitchell, McGahey, Stephenson, Taylor, Vance, Whiteside, Williams, and Williamson.—18.

Those who voted in the negative, are

Messrs. Bond, Noel, Rattan, Snyder, Thomas, and Will.—6.

Mr. Forquer, from the committee on Internal Improvements, to which was referred so much of the Governor's and acting Governor's messages as relates to a communication between Lake Michigan and the Illinois river; and also resolutions of the Senate instructing them to inquire into the expediency of obtaining a loan, on the credit of the state, for the purpose of constructing a canal between said waters; and whether they should be connected by means of a canal or rail road; made the following

## R E P O R T :

That they have had the important subjects embraced in the range of their instructions, under consideration, and regret to say, that they have found themselves greatly embarrassed in their deliberations, by the meagre character of the sources of information upon which they have had to rely, as the authority for the suggestions which they venture to make upon a subject of such deep and pervading interest to the State of Illinois. Not wedded to their own views, the committee are only anxious that whatever steps are taken in reference to this enterprize, will be such as will redound to the honor, prosperity, and happiness of the people of Illinois. With all due deference, then, for the opinions of others, they submit the result of their inquiries.

The committee deem it proper first to state what has been the action of the government of the United States, and of this state, heretofore, in reference to this projected improvement. By an act of Congress of 1822, the State is authorized to construct the canal through the public lands; and a strip of land of ninety feet in width on both sides of it, is granted to the state; and the lands through which the canal may pass are reserved from sale, until specially directed by law to be sold. This act required the canal to be commenced within three, and completed within twelve years. It also grants to the state the right to use any material upon the government lands necessary to aid in making the work. This act has not been expressly repealed.

The Legislature, at their session of 1822-23, appointed a board of canal commissioners, with power to cause an examination and survey of the route to be made, and the probable cost of the work to be estimated. This board performed the duties required of them, and reported to the Legislature, at their session of 1824-25. They estimated the cost of the work not to exceed \$716,110 71. This estimate, however, was made from an examination and survey of the surface of the land, without ascertaining, with much certainty, whether any, and if any, what amount of rock excavation would have to be done on the route. The data upon which they based their estimate, seem to be hypothetical. These preliminary measures to the commencement of the work, cost the state \$10,589 87. At the same session, a company was incorporated for the purpose of completing the work, whose capital stock was not to exceed one million of dollars. By this act the company was to own the canal for fifty years; after which time the state had a right to purchase it, by paying the cost of construction and six per cent. per annum on the amount. This act was repealed in 1826.

In 1827, Congress granted to this state, for the purpose of aiding the state in constructing a canal between Lake Michigan and the Illinois river, a quantity of land equal to one-half of five sections on each side of the canal, and reserving each alternate section to the United States. This grant was made upon condition that the State

should commence the work in five, and complete it in twenty years.

In 1829, the Legislature organized a new board of canal commissioners, with power to re-examine the route, dispose of the lands, and commence the work: and in 1831, an act, amendatory of that of 1829, was passed, making further provisions for the prosecution of the work. Under the provisions of these two acts, the board laid out the towns of Chicago and Ottawa, and sold town lots and canal lands to the amount of \$18,924 83, and caused a re-examination and survey of the entire route to be made; and caused separate statements to be made of the cost of constructing a canal and rail road between the Illinois and the Lake.

By their report to the Legislature at their session of 1833, the commissioners estimated the cost of a canal at \$4,043,986 50, and that of a rail road at \$1,032,488 10.

These last efforts on the part of the State to commence the work, have cost the sum of \$16,974 83. Here the action of the State on the subject ceased; and the board of canal commissioners was abolished at the last session of the General Assembly. By an act of Congress of 2d March, 1833, the State is authorized to use the lands granted to the State for a canal, in making either a rail road or canal, if the Legislature shall think proper to prefer the former; and the time for commencing and completing either, is extended five years. With this act, ends the history of legislation upon the subject of the Illinois and Michigan canal.

The intimate connexion which exists between this long contemplated improvement, and the prosperity of the State, being so universally perceived and acknowledged; and the rapidly increasing demand for its agency in promoting the cause of agriculture and commerce, has again awakened public attention to its importance; and some bold and efficient action is demanded at our hands, alike by the public interest and the voice of the people. The time has gone by, when a temporizing, timid policy, will satisfy the demands of either. The people, for the last ten or twelve years, have been surfeited with empty declamation upon this subject. They now desire that we should manifest our faith by our acts. They wish to feel the effects of our patriotic professions, by acts which will procure a reward for their enterprise and industry, in dollars and cents. It is with this spirit that the committee, fully impressed with the responsibility they assume, and distrusting their own information, have entered upon an examination of the grave questions submitted for their consideration. They propose to inquire—

1st. Whether the Illinois river and Lake Michigan should be connected by a canal or a rail road.

2d. Whether the State should obtain a loan, and make the work herself, or whether a charter should be granted to a company, giving them the privilege of making it.

They will also give their views of the several plans which have been agitated, and by which it is intended the State shall do the work herself; and also of the several plans agitated, and by which it is expected an incorporated company will be induced to make it.

Upon the first branch of the inquiry—whether a canal or rail road communication between Lake Michigan and the Illinois, would best subserve the interest of the State, the committee believe that but little has been left them to do. Some few years since, popular opinion was inclined to favor rail roads in preference to canals, as the means of intercommunication between different parts of the country. It has been well said, "that the mind was led captive by the flying velocity of the rail road cars,"—and hence for a season a *mania* prevailed in their favor. But time and experience seem to have tested the comparative value of those two modes of facilitating the commercial intercourse of different regions. From all the lights of which the committee have been able to avail themselves, it would seem, that the public judgment, in this state and elsewhere, has settled down in favor of canals in preference to railroads, wherever the country is peculiarly suited to their construction: and there can be no doubt that nature has declared that this is the character of the region of country lying between the navigable waters of the Illinois and Lake Michigan. That railroads are better adapted to the speedy transportation of passengers, than canals, seems to be admitted; and whenever that is the main object intended to be effected by their construction, they are doubtless entitled to a preference over canals. But such cannot be the case in reference to this work. The great end to be attained by connecting these waters by an artificial communication, is, doubtless, the promotion of the agricultural interest of our country, already languishing for an adequate market for the consumption of its superabundant productions. These, too, are generally of a bulky character; their value depending more upon the certainty of their finding a market, than upon the speed with which they may reach it. Such, too, is the character of many commodities out of the State, which it will become the interest of our people to receive in exchange for their own productions.

Not among the least of the reasons which should induce a preference for canals over rail roads, when the former are practicable, is, that they are not monopolies; and that every farmer and merchant may use his own canal boat, and become the carrier of his own commodities to market, saving the cost of freight by his own labor. Canals also admit of competition among the carriers of freight; thereby insuring it to be carried for the lowest possible price. Not so with railroads—there, the cost of freight always depends upon the pleasure of the company, unless controlled by the competition of some rival mode of conveyance in their neighborhood. Much more might be said to sustain the conclusion to which the committee have arrived

upon this part of their inquiries, but from the strong indications of public opinion in favor of a canal, they deem a further prosecution of this branch of the inquiry wholly uncalled for at the present time, and therefore will proceed no further than to announce their preference for a canal over a railroad.

The committee believe that any action of the Legislature which would not contain a guaranty for the speedy commencement and completion of the *entire* work, would be worse than none. Its only effect would be, again to disappoint and tantalize public expectation, already jaded with anxiety on the subject. The accomplishment of the entire work is doubtless desired by all; but as to the means which shall be employed to effect that object, there seems to be much diversity of opinion. It is the work itself, in which the great interest of the whole state is concerned; and with an eye to its accomplishment, and to this alone, the committee proceed, with all possible respect and deference for the opinions of others, to give their opinion of the fitness of the several plans proposed to obtain this end.

The first in order, to which they will turn their attention, proposes to incorporate a company with authority to make the work, and with a guaranty on the part of the State, that the capital employed shall be worth six per cent. per annum, for the first ten years, to the company: provided that this guaranty shall impose no liability upon the State, further than the canal lands will indemnify her against.

It seems to the committee, that if this plan were proposed to capitalists, it would be difficult for them to find in it sufficient inducement for them to embark in the enterprize the sum necessary to complete the work. It is not to be expected that they will do so, without a tolerable certainty that the investment will not only be worth six per cent. for ten years, but forever thereafter. The motives which would operate upon a company in this respect, are widely different from those which should impel the State to embark in the undertaking. They could not receive any other benefits than the profits upon their actual investments; whereas that consideration should have but little weight with the State, when compared with the great influence the canal would have in developing the latent resources of the country, imparting life and action to the enterprize, industry, and business energies of her citizens, and thereby causing their general fund of wealth and prosperity to be multiplied, perhaps one hundred fold in the next ten years after its completion.

The security of the principal against diminution, and the certainty that it will yield a fair per cent., ordinary prudence declares would be the first consideration presented to the capitalists when about to make investments. Does the plan under consideration contain a guaranty for either of them? It is believed not. It is supposed four years would be required to make the work. During this time the capital would not be yielding any thing to the company; and the only

certainty which they would have for the investment, is, that for the next ten years thereafter it would bring them six per cent.; and before they secure even this, they must be at all the trouble of making the canal. It is supposed that capital can find employment upon better terms than this. Besides this, the uncertainty whether the capital would yield six per cent. after the ten years, would not be without its weight upon the minds of capitalists. Where would they look for information as to the amount necessary to be invested? Certainly to the report of your own engineer. Although the estimate therein made of the probable cost of the work, is believed too high by a million of dollars, yet it is not certainly known to be so; and therefore, as prudent men, they would make their calculations with reference to that report. By this plan, the State would, in good faith, be bound to reserve from sale the canal lands, in order that the work might impart to them their maximum value: for unless this should be done, it may well be doubted whether enough could be derived from them to be an ample guaranty for the interest on the capital for ten years.

Assuming the cost of the canal to be two millions and a half of dollars, which is lower perhaps than we are authorised to put it at, the interest on this sum for ten years would be one million and a half of dollars. The number of acres of land remaining unsold, is two hundred and seventy-three thousand. At the present minimum price of public lands, those would be worth three hundred and forty-one thousand two hundred and fifty dollars. In the town of Chicago there remains unsold three hundred and forty-eight lots; these at three hundred dollars a piece, would be worth one hundred and four thousand four hundred dollars. In the town of Ottawa there remains one hundred and seventy-three lots; these, it is thought, would be well estimated at forty dollars a piece. At this price they would be worth six thousand nine hundred and twenty dollars. Amounting, in all, to the sum of four hundred and fifty-two thousand five hundred and seventy dollars. This, perhaps, is quite as high as would be safe to estimate the present value of those lands and lots. But if the canal were once finished, it is supposed they might with safety be estimated at three times this sum—say one million three hundred and forty-one thousand two hundred and fifty dollars. But in order to make them bring this sum, they must be reserved from sale, which would greatly retard the settlement of the country, and thereby render the execution of the work more difficult and expensive for the want of settlements on the route; which facts would not be without its weight upon the minds of a company. And if the lands are sold before the completion of the work, they cannot be expected, at most, to bring more than one half as much as they would afterwards. Although in the opinion of the committee, there is in this plan, if the canal property is reserved from sale, a tolerable guaranty to a company, when the tolls are also considered, that they would receive what it promises, yet it is mixed with

so much *uncertainty* that that alone would cause it to be rejected. Nor must it be forgotten, that the calculations of capitalists would be made with reference to the report of the State's own officers; and if so, then the canal property would not be considered an adequate guaranty for the receipt of the interest. It is believed that the doubt which would rest upon the mind of a company, as to what would be the value of stock after the expiration of the first ten years, would also discourage capitalists from accepting this offer. The term of ten years, when it is considered how much trouble a company would be at, it is believed is too short to induce them to make an investment at six per cent., with doubts hanging over the fate of the principal. They therefore believe that this scheme would only result in disappointing the public expectations. It cannot be doubted, that capitalists would sooner make a loan to the State at four per cent. for the same time, than to accept this proposition. And if the canal property would be an adequate guaranty for the payment of the interest for the first ten years, and the tolls forever thereafter, a preferable plan to secure the execution of the work, it seems to the committee, would be to borrow the money, even at five or six per cent. The State, then, would be risking no more in this way, than by the guaranty, and would be a gainer by the certainty of having the public interest subserved by the completion of the work.

The next plan which has been presented to the consideration of the committee, contemplates a loan to be made of half a million of dollars, and pledging the canal lands for the principal and interest thereon, for a given number of years; and as soon as this amount shall have been expended, then to pledge the canal and the tolls to be derived from it, to procure the means to complete it.

Ten years, the committee believe, is as short a time as a loan could be effected for. At the end of this period, the principal and interest, at six per cent., of \$500,000, would amount to the sum of \$800,000. With the uncertainty before them, whether any more of the work would be made, and, if any, at what period it would be done, it is believed that capitalists would not be willing to loan more upon the lands than they would sell for in cash at the expiration of ten years, without the canal to appreciate their value. If this view be correct, it may well be questioned whether the sum proposed could in this manner be raised upon the canal lands, although by keeping the lands unencumbered by any such pledge or mortgage, the State might so husband this property, as to make it the means of procuring the loan of four or five times this sum. The friends of this plan are confident that if this amount were expended in the commencement of the work, the funds necessary to complete it could be obtained by a pledge of the canal and tolls. The committee do not perceive that this opinion is well founded. If we take the report of our Engineer as the guide of capitalists, it would require three millions and a half more to finish

the work; and for the interest on this sum, the only guaranty they would have, would be the tolls; and if that is considered an insufficient guaranty for the State's making the loan, we have no right to expect that individuals would do in this respect, what she ought not to do. The committee believe that any plan which contemplates that all the risks of the enterprize are to be made by individuals, and none by the state, will result in disappointment—and that this is one of that character. The only certain advantage which can result from this plan, is *local* in its character. It would cause a large amount of money to be expended for the benefit of some district on the canal route, but it would so encumber the property of the canal, that the next Legislature would find themselves more embarrassed to find means to prosecute the work to its final completion, than they now are. The canal property, thus encumbered with a debt of \$800,000, the State could neither use it to induce a company to take the work, or to obtain an adequate loan to finish the residue of the canal, without which the portion made would be entirely useless. The committee therefore believe that the adoption of this plan, instead of forwarding this improvement, would be most likely to postpone its completion to a period of time more distant than the public interests demand.

Another mode which has its advocates, is to sell the canal lands and town lots now, and expend the avails, as far as they will go, towards constructing a canal. As this mode contains no security for the accomplishment of the entire work, it is supposed it could not differ much in its result from the one just decided against. Its only certain benefits must be, like that, altogether local. The uncertainty which yet would rest upon the completion of the work, could not fail to prevent the canal property from bringing any thing like the sum which it would bring, if sold under an ample guaranty that the canal should be speedily finished. This circumstance, it is feared, would so greatly diminish the means now at the disposal of the State, that it would be squandering them without the hope of their effecting the object for which they were granted. Its direct tendency would be, to pass into the hands of private speculators and individuals, the choice portions of the canal property, at an under value, and to leave upon the hands of the State that portion of it which can only be made valuable by the construction of the entire canal. Should this be the operation, it is believed nothing could be more deleterious to the interest of the canal than the adoption of this plan: for by it no greater sum could be raised than the present value of the most choice selections of the canal property. This, it is presumed, would be too inconsiderable to authorize the commencement of so great an undertaking, unless it be the intention and expectation of its advocates, that the State shall, as soon as the funds thus derived are exhausted, make a loan to complete it. This intention, or expectation, it is understood, they do not avow: and if such were the expectation, then the committee believe

they have shown that it would diminish the capacity of the State to make the loan by other means than the public credit; and that to it, we would then have to look for the means of completing the work. If the advocates of this plan do not expect to finish the work by means of a loan, then the committee can see nothing in it but mere local advantage resulting from the expenditure of the meagre means derived from the sales of the choice canal property, and individual speculations.

Some have proposed that sufficient inducement should be offered to a company to make the canal for the State; and with that view propose to sell the canal property, and advance the avails to the company for a given number of years without interest, upon their giving to the State the proper security, and allowing them the tolls for that time; after which time, the State shall have the privilege to pay the cost of construction, deducting the advance therefrom, and take the canal; but allowing the company a certain portion of the tolls thereafter received, in perpetuity.

The advantages which the advocates of this plan claim for it, are—

1st. The company would be able, from their superior skill and promptitude in the direction of business, and in the management of financial matters, to have the work done in a better manner, and at less expense, than the State.

2d. That the advances to be made by the company out of the avails of the canal property, being without interest, and which, with the certainty of the entire work being completed, would amount to so large a share of its cost, together with all the tolls for a certain period, and a certain portion of them in perpetuity, could not fail to make the stock so valuable that it would be sought after with avidity by capitalists, and thereby insure the work to be made, with no other loss to the State than the canal property and a portion of the tolls forever.

The work itself being the great object which the interest of the State demands, it is contended that pecuniary emolument should not enter into the contemplation of the Legislature in devising the means to insure its construction.

It is also urged, that this plan is further recommended by the two-fold consideration, that the company will be admonished to use the utmost economy in its construction, lest the State should not avail herself of her right to pay the cost of the work and take it from the company; and that she may do so at some future time when her own interest and ability to do it cannot be questioned. This scheme, the committee believe, is entitled to a more favorable consideration than any of the foregoing; but as they cannot see in it a *certain* guaranty that the work will be done, they are not prepared to give it the preference over all others.

When the project of constructing the Erie and Champlain canal was pending before the Legislature of New York, a proposition some-

what similar to this, was made to them by Mr. J. Rustin Vanranselaer, and rejected. The cost of this work, for the whole line of 414 miles, was then estimated at \$5,371,814. He proposed—1st. To make the whole line for ten millions, or for seven millions and a half of dollars and the tolls, at the rate of two cents per ton per mile, for twenty years after its completion; or, 2dly, for five millions and the tolls, at the rate of five dollars per ton per mile for the whole distance, for twenty years, and for one-half of the tolls, at that rate, forever thereafter. Whether the Legislature rejected this offer in consequence of the claim of tolls in perpetuity, or on account of the sum demanded in addition to the tolls, the committee are not advised.

Another plan which has heretofore been presented for public consideration by a member of this committee, proposes to incorporate a company, with privilege to construct the work, and to grant to them all the canal property, upon their giving the proper security, and to require them to furnish a certain portion of the work per annum; and that upon their failure to finish any portion of the work, as stipulated, the charter, and all the immunities thereby granted, to be forfeited to the State; and further, to reserve to the State the right to purchase the canal at any time after the expiration of ten years from its completion, by paying the cost and interest thereon, at six per cent. per annum, deducting from the cost the amount of some given value of the canal property.

This plan, the committee believe, contains a guaranty that the entire work would be made. It discards all idea of pecuniary gain to the coffers of the State, and goes upon the ground that it is of more importance to the present and future prosperity of our people to immediately apply the fostering care of the State to their agricultural and commercial interests, than to delay the execution of the work, with the hope of making a better bargain for the coffers of the State at some future time. The member of the committee who advocates this mode of doing the work—and he believes he is alone—still thinks, however, that it is the only way in which a company could certainly be expected to undertake it. The certain prospect which it holds out to a company, of making a profit upon the canal property, together with the tolls, could not fail to make the stock valuable. But from the indication of public judgment against it, the committee believe that it is not necessary to pursue it further. It is objected to, on account of its supposed unnecessary liberality to the company: that it grants too many of the benefits of the enterprize to a company, and which the State ought to retain in their own hands.

The committee, unwilling to abandon the hope that the work will be speedily undertaken and completed by some means or other, have now to turn their attention to that branch of the inquiry which contains a proposition, and upon the consideration which it may receive, depends their last and only hope. This is, to obtain the requisite

funds upon the credit of the State, and to proceed with the work under its direction.

The committee feel deeply impressed with the grave character of the propositions they are about to submit for the consideration of the Legislature; and are duly sensible of the responsibility they incur in doing so; but having arrived at the conclusion, that the present and future prosperity of this state demand the immediate construction of this work, their sense of duty has left them no alternative.

So deep and pervading is the general sense of the people as to the importance of this improvement to every interest of the State, that they are looking with anxious solicitude to the wisdom of this Legislature for the adoption of some plan for the accomplishment of an object which they regard as so intimately connected with their well-being. Shall they still be doomed to disappointment? or will the Legislature take courage from their knowledge of the general will, and rely upon the good sense and justice of their constituents for an approval of their efforts to obey and carry that will into execution? He who aspires to the character of a statesman, if his measures are calculated in the end to advance their interest and happiness, may always rely upon the justice and good sense of his countrymen for an approving verdict. So confident are the committee, that if their plan, or some other one calculated to insure the immediate construction of the canal, shall be adopted by this Legislature, that it will receive the grateful plaudits of the people, they cannot hesitate as to the course which is enjoined upon them by every consideration of duty and patriotism.

If we glance at the institutions and improvements of civilized man, in every portion of the world, we are struck with the fact, that in those countries, and among those people, where the means of promoting the happiness of the social state are most profoundly understood, there canals abound: and there the government has been most anxious to increase the facilities for internal commerce and intercommunication between different parts of the same country. The condition of Europe, in this respect, verifies this; and the amazing accumulation of wealth and power which the State of New York has made since the completion of her Erie and Champlain canals, furnishes a still more exciting example for our imitation. But we are not left to that brilliant example alone to cheer us to the undertaking—our neighbors, Ohio and Indiana, have profited by the wisdom and experience of other enlightened States, and their citizens are now enjoying an unparalleled prosperity, as the fruit of their sagacity and enterprize. Shall not Illinois do so likewise?

The probable cost of the canal, to be supplied with water from the Lake, has been estimated by Mr. Bucklin at \$4,043,086 50. This estimate, the committee believe, is greatly too high; and with great respect for Mr. Bucklin, they will give the reasons upon which this

opinion is predicated. Mr. Bucklin assumes the cost of the rock and earth excavation of the Louisville canal as the data for his estimates. But it is generally understood and believed that that work cost unnecessarily high, owing, it is said, to some unskillful management. We will select his estimates for a part of the work, and will confine ourselves to the over estimates of that part; although, it is believed, that other over estimates could be pointed out.

His is for 641,878 cubic yards of excavation,	\$59,140 24
" 340,723 " " embankment,	66,179 92
" 892,920 " " rock excavation, at \$140	1,250,088 00
	_____
	1,365,408 16
For superintendence and contingencies, (15 per cent.)	527,359 12
	_____
	\$1,892,767 28

Now, we will estimate the same work at the rate which similar work has been done for in Ohio and Pennsylvania:

641,878 cubic yards of earth excavation, at 7 cts., is	\$44,931 46
892,920 " " rock " 40 "	357,168 00
340,523 " " embankment " 11 "	37,479 53
	_____
	\$439,578 99

This sum deducted from Mr. Bucklin's estimate, and the balance shows the amount of \$925,829 17, the amount of the over estimate,

\$925,829 17

Deduct 5 per cent. from Mr. Bucklin's estimate for superintendence and contingencies, which will leave 10 per cent., the usual estimate, and we have the true amount of his over estimate. 5 per cent. on \$527,359 42,

175,786 28

The true amount of Mr. Bucklin's over estimate, \$1,101,615 45

The committee will now assume that the cost of the canal cannot exceed two million nine hundred and fifty one thousand two hundred and sixty dollars and fifty-six cents. Say, for the sake of round numbers three millions. Now, if it can be shown that the means can be raised to pay the interest on this sum for the next ten years, without resorting to taxation, there can be no well founded objection to making a loan to proceed with the work. The interest on this sum at five per cent., at which rate there can be no doubt funds can be had, if the principal is not reimbursed for twenty years, will be one hundred and fifty thousand dollars per annum, or, for the period of ten years, one million five hundred thousand dollars.

The committee have already estimated the value of the canal property after the completion of the work, at one million three hundred and forty-one thousand two hundred and fifty dollars; and which is

thought by those best acquainted with its value, to be a moderate estimate. Here, then, from this source alone, we have the means within one hundred and forty-two thousand two hundred and ninety dollars of paying the interest for ten years on the loan.

Six years of this time the canal will have been in operation; and if we look to the character of the extensive region of country whose commerce is destined to pass through this canal, there can be nothing extravagant in supposing that the tolls on this canal will annually, for the first ten years after its completion, be equal, at least, to what they were on the Ohio and Erie canal the first year after its completion. On that canal, the tolls amounted, in 1831, to sixty-three thousand nine hundred and thirty-four dollars and twenty-seven cents. This, in six years, would amount to three hundred and eighty-three thousand six hundred and twenty-five dollars and sixty-two cents. The annual repairs on the whole line of the Erie and Champlain canal, of four hundred and fourteen miles, was at first about one hundred thousand dollars. Ours will be only ninety-two miles long: but allow the repairs on it to be one-fourth as much as on the Erie and Champlain canal, and we have one hundred and fifty thousand dollars to deduct from three hundred and eighty-three thousand six hundred and twenty-five dollars and sixty-two cents, which leaves two hundred and thirty-three thousand six hundred and twenty-five dollars and sixty-two cents to be added to one million three hundred and forty-one thousand two hundred and fifty dollars, making the sum of one million five hundred and ninety-one thousand three hundred and thirty-five dollars and sixty-two cents; leaving upwards of ninety-one thousand dollars more than the interest.

This view of the subjects seems, of itself, to be sufficient to rob a loan of the terrors with which it has been surrounded by the fears of trembling and timid politicians.

The foregoing calculation goes upon the ground that interest is paid upon the whole sum from the commencement of the work till it shall be completed, which will not be necessary.

Should the calculations of the committee not be realized when tested by experience, still there are other sources upon which, it is believed, they may rely for assistance. It cannot be that the government of the United States will stand by and see one of the youngest sisters of the Union engaged in a work as much for the benefit of the nation as for herself, and suffer her struggles for its accomplishment to be defeated, when that government has it in its power to afford her all the aid she needs, without contributing a dollar from the treasury of the nation. A grant of the other alternate sections of land on the canal route would put the question of the State's ability to meet her engagements, without taxation, beyond all doubt; and that this will be done, as soon as the State shall, in good earnest, begin the work, is not doubted by those best informed upon that subject.

In New York, state loans for twenty years at five per cent. have been worth a premium of twelve per cent. Such was the case in 1831 upon her Chemung loan; and there is nothing in the condition of the world at this time which would so affect the money market as to prevent capital, now abundant, from seeking employment upon the same terms. This would reduce the interest to about four and a half per cent. on our loan.

In Pennsylvania and New York, very large sums, to aid them with internal improvements, were raised by lotteries; and the same thing could be done here; and, also, in addition, to the tolls upon the canal boats, a certain tax was imposed upon all passengers in canal or steam boats when sailing on the waters within the state.

There is also another source from which a considerable sum may be derived, and that is from a sale of the rock on the route after it shall have been excavated. The rock excavation commences at eight miles, and ends at thirty miles distance from Chicago. When the canal shall have been finished, rock can be taken to Chicago from any point within this distance very cheap. The superintendent of the Chicago harbor, has already had rock quarried on this route, and *delivered* at Chicago for five dollars per cord, which is equal to 5 5-20 cubic yards —which is greatly less than Mr. Bucklin estimates the mere excavation at. The person who contracted to furnish this rock, procured it to be quarried at one dollar and fifty cents per cord; and it is said by gentlemen of character, the rock is quarried in the ordinary way with so much facility that one laborer quarries from one and a half to two cords a day. From this it would appear, that if the State could, in the next ten years, find sale at Chicago for the rock, it would more than pay for the cost of its excavation. And when all the causes are surveyed which are to be engaged in advancing the growth of that place for the next ten years, the mind can scarcely doubt that it will furnish an adequate market for all those rock.

But let us suppose that only one fourth of the rock may be sold on the route for as much as it will cost to excavate them, this would increase the means of the state to pay the interest to within a fraction of ninety thousand dollars.

Assuming the foregoing estimates of the means of the State to pay the interest to be safe and certain, the whole result would stand thus:

Canal property, at	\$1,341,250 10
Tolls for the first ten years,	231,608 62
Premiums on \$3,000,000 of state debt at 12 per cent.*	360,000 00
Amount to be received from sale of rock,	90,000 00
	2,036,234 72

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\*The New York canal debt was \$11,416,774 08. The premiums on these amounted to \$1,200,446 28.

Interest for ten years,	1,500,000 00
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Excess over the interest, of

533,235 72

This is independent of any aid which might be derived from lotteries, steam and canal boat passengers, or from the government of the United States.

It now becomes the duty of the committee to show how the interest on the canal debt is to be paid for the second ten years of the loan. They believe that it is not necessary for them to inquire whether the principal will ever be reimbursed, if it can be shown that the canal will always pay the interest on the debt; for so long as that shall be the case, the State will not have been called upon for any expenditures on account of the work, notwithstanding her citizens will have been enriched by its agency. Whenever the nett proceeds of the tolls shall amount to one hundred and fifty thousand dollars per annum, they will pay the interest. The committee have no other means of arriving at a conclusion as to the period of time when that will be the case, than by referring to the history of similar improvements in other countries, and comparing the causes which operated upon them, with those which are to operate in making business for the Illinois and Michigan canal. The Erie canal, in New York, passes through nineteen counties, which, in 1823, contained a population of 722,805. It was upon these counties that the canal mainly depended for its business; and in 1824, when only 280 miles of the canal had been completed, the tolls amounted to two hundred and ninety-four thousand five hundred and forty-six dollars. The Illinois and Michigan canal will be the channel through which at least one half of the commerce of the States of Illinois and Missouri will reach the Atlantic cities.— At what period then, will half the population of these States be equal to the population on the line of the Erie canal in 1823? Let us suppose that Illinois and Missouri will increase in population for the next twenty years in the same ratio which Kentucky, Tennessee, Ohio, Indiana, and including Illinois, did from 1800 to 1820. In 1800 these states had 383,408, and in 1820 they had a population of 2,180,438. In 1830, Illinois and Missouri together contained a population of 297,554; and it would surely not be extravagant to say that they have increased 100,000 in the last five years; which would give them together, now, a few more inhabitants than the States mentioned had in 1800. If then, we may thus calculate for the future, from the past, Illinois and Missouri will have a population of upwards of 2,000,000 in 1855. At that period, then, the canal will be used by at least one million of inhabitants—being 377,245 more than the number which it is supposed supplied the Erie canal with business in 1823, and from tolls to the amount of two hundred and ninety-four thousand five hundred and forty-six dollars were received, though only two hundred

and eighty of the three hundred and sixty-three miles of the canal were then completed.

If we examine the causes which existed to induce the settlement of Tennessee, Kentucky, Ohio, and Indiana, Illinois included, from 1800 to 1820, and compare them with the causes which now, and will for the twenty years hereafter, exist, to induce population to Illinois and Missouri, the above estimate of their future destiny cannot be considered as improbable. We must also bear in mind that the population in the four western states mentioned, increased at the rate here assumed during a period when the wonder-working agency of steam, railroads, and canals, had not been engaged in performing its miracles upon all the interests of civilized society. Since then, all the laws of political economy have been changed, and we have now to reason from new data. Cause and effect are as widely different now in reference to the social state, from what they were then, as the majestic steam boat bidding defiance to the tumbling torrents of the Missouri, is from the old fashioned keel boat and crew, slowly struggling their way against its current. Let this canal be made immediately, and it is more probable that this estimate of our future population will be anticipated by five or ten years, than that it will not be realized.

The committee have assumed the amount of tolls received upon the Ohio and Erie canal during the first year after its completion, as the amount to be received per annum on this canal for the first six years after its completion. They will give the amount received from both the Ohio canals for each year, from 1831 to 1834, by which the increase may be seen.

From November, 1830, to November, 1831,	\$100,112 95
“ November, 1832, to November, 1833,	180,954 20
“ November, 1833, to November, 1834,	205,302 63

If the tolls upon the Illinois and Michigan canal, should increase at this rate, and the committee can perceive no reason why they should not, there will be no difficulty about raising the means to pay the interest on the canal debt.

Having thus far considered the subject with reference to the expense of the work, and the means with which it might be defrayed, the committee will now view it connexion with the bearing it would have upon the prosperity of the State. In 1823, with a population of little more than two millions, that portion of the commerce of the western States, as shown by the imports and exports to and from New Orleans, for western consumption, and of western productions, amounted to, in imports, four million two hundred and eighty-three thousand one hundred and twenty-five dollars, and in exports to six million seven hundred and eighty-nine thousand four hundred and ten dollars—amounting together to eleven million and seventy-two thousand five hundred and thirty-five dollars. At that time it may be safe to assume that the imports and exports to and from those States over the moun-

tains, amounted to at least three millions more; making the whole commerce of the two millions of population then in the west, amount to \$14,072,535. It is well known that at that time New Orleans was so inadequate a market for the superabundant productions of the extensive and fertile region watered by the Mississippi and its tributaries, that our farmers and traders frequently found themselves there with the products of our soil on their hands, worse than useless. The objections to the climate and health of that place has prevented it from keeping pace with the increase of the wealth and population in the upper country, and has rather, from that time to this, increased, than palliated those evils.

Having shown that the period is not far distant when Illinois and Missouri will contain a population nearly equal to the entire population of the whole West in 1820, and assuming that commerce will increase only in the same ratio of population—whereas experience has shown that in new countries it has increased in a three fold *ratio* faster than population—it becomes a matter of high duty with those entrusted with the destinies of Illinois and Missouri, to inquire, what provision they will make to foster and protect a commerce, chiefly of home production, which will amount in a few years to at least fourteen millions of dollars. The soil will always furnish the staple commodities of home production in those States, and especially in Illinois; and they are of a character which cannot reach, by the way of New Orleans, the eastern and northern markets, without being endangered, and frequently ruined, by that climate. Providence has so distributed the advantages and adaptations of our widely extended country, that different portions of it seem to have been in a peculiar manner designed to promote the prosperity of agriculture, manufactures, and commerce, the three great pillars upon which national wealth is reared. The north-eastern portion of our nation, nature has declared must forever be the seat of our principal manufactures; and that ours is to furnish them with provisions and the raw material. To that region, then, we are to look for a market for the productions of our soil; and to remove the barriers which nature has interposed to communication between this and that country, so as to enable our commodities to reach there cheaply, and with speed and safety, is imperiously demanded by every interest of society.

It has been well said by a master mind, "that a State, in its corporate capacity, is an invisible, intellectual existence, and that it should do, in its corporate capacity, for the people, what a provident guardian should for his ward." And "if we could suppose an individual owner of the State, what would we think of his understanding, if he should hesitate to double the value of his property without labor and without expense." Considering the Legislature, then, as the guardian of the public interest, and bound to do for it that which a provident individual would, if that interest were all his own, it is only necessa-

ry for us to show, in a few instances, what would be the effect of the canal on it.

The usual price of wheat at Buffalo; in New York, is from \$1 12 to 1 25 per bushel. On the Illinois river, and at St. Louis, its average price does not exceed fifty cents per bushel. At present the cost of transpoiting a bushel of wheat from St. Louis to Buffalo, by way of Chicago, would be as follows:

The freight from St. Louis to Ottawa, 300 miles, is, per 100 pounds, 75 cents; from Ottawa to Chicago, 92 miles, per 100 pounds, 75 cents; from Chicago to Buffalo, 19 cents per bushel.

A bushel of wheat, or 60 pounds, would then cost, to transport it to Buffalo from St. Louis, just one dollar, at the present cost of transportation; so that it would have to bring there one dollar and fifty cents to quit cost. Wheat is taken on the canal from Buffalo to Albany, 353 miles, for 19 cents per bushel, including tolls. At this rate it would be taken from Ottawa to Chicago for 5 cents per bushel.—The cost of transportation from St. Louis, would stand thus:

From St. Louis to Ottawa,	45 cents.
"    Ottawa to Chicago,	5     "
"    Chicago to Buffalo,	10     "     =30
Price at St. Louis,	50

\$1 10 at Buffalo.

This estimate is according to the present high prices of freight on the Illinois. There can be no doubt that if business were at once sufficient to produce competition among the carriers on the river and Lake, that wheat can be taken from St. Louis to Buffalo at 50 cents per bushel. But if we take Beardstown, on the Illinois river, as the starting point, then half of the freight from St. Louis to Ottawa, 22½ cents, may be deducted from the cost of transportation; so that wheat may be taken from there and delivered at Buffalo at from 78 to 88 cents, and quit cost and carriage. But it is now in a market where it is worth from \$1 12 to \$1 25 per bushel; leaving a profit from 25 to 37 cents on each bushel. Could there be a more profitable trade than this? It shows what strong motives our merchants would then have to make remittances in the produce of our country, instead of doing as they have to do—drain the country of its currency. The great profit which it is here shown would be made on shipments of wheat, could not fail to produce competition among the purchasers, and allow them to advance the price 10 cents per bushel, and still make an enormous profit on their capital for the time it was engaged.

Suppose an Illinois farmer now raises 500 bushels of wheat per annum for market, at 50 cents, is \$250 00

After the canal shall have been finished, it will be worth to him 60 cents, which is 300 00

So that the canal will make for him, yearly, the sum of fifty dollars,

on perhaps a small portion of the product of his farm; and if the surplus beef and pork of his farm shall bear a proper proportion to his wheat crop, he will then make from the same capital and labor, \$150 a year more than he does now; and this, too, without having paid one cent for this benefit. This is not the only manner in which he would be profited. His farm having been rendered so much more productive, would be proportionably enhanced in value. This view might be so varied and extended as to show the effect which the canal would have upon the price of the various productions of the country, as well as upon the importations of foreign goods; but the committee having furnished the data, will leave others to pursue it for themselves.

At present our agricultural interest is languishing for want of an adequate market for its products. The difficulty of taking them to market prevents our merchants from engaging in their purchase; and the consequence to the farmer is, that he is compelled to pay in cash for all the foreign goods he consumes. This, together with the purchase of the public lands, occasions such an enormous drain of the currency of the country, that it is only wonderful how the people have been able to sustain themselves under such circumstances. To bring to, and expend in the State, a fund which would more than equal this drain from it, would surely be acceptable to our people. In their individual capacity, they would be glad to borrow money at six per cent. to carry on their ordinary business; and if it be true that the State, or the people in their corporate capacity, should do for the mutual interest, what a prudent man would do for his own, then there could be no objection to the State's procuring for them the means to do business on, at even six per cent. But the committee I believe they have shown how the sum of three millions of dollars may be brought to, and expended in the State, in the next four or five years, for the benefit of the people, without the imposition of any interest or tax on them.—One-fourth of this sum would be expended annually among our people. This, alone, would give such a spring to every branch of business, that the growth of the State in wealth and numbers would be accelerated in the next ten years, at least ten years in advance of what it would without it. It would furnish new inducement to emigration: first, from the fact that this amount of capital was to be thrown into circulation; and secondly, by offering facilities to get here from that portion of the nation which has most population and wealth to spare. Emigrants would not only come here to participate in the benefits of this expenditure, but every one would bring more or less cash with him, which would also be thrown into circulation. Besides the great increased quantity of the circulating medium, there would be a corresponding increase of industry and enterprize, which, in a new country, would add to the general fund of property in a ten fold ratio to the amount of capital employed. Money is the great agent in production. The same funds which A will give to B, for erecting

a mill or other manufactory, B will give C for a dwelling, which C will expend in improving a farm; and so on, through all the ramifications of society, imparting life and vigor to the whole. The enterprize and business energies of our people will be awakened and put into action by the expenditure of this large sum of money among them. These will develop the amazing resources of this fine country; and this once done, we will not need artificial stimulants to keep the body politic in healthful action.

To produce these results, would be an employment worthy the dignity of the guardians of the public interest. That government which does not make the labor and enterprize of its citizens the very centre and pivot of its legislation, and upon which all other interests are to turn as mere auxiliaries, overlooks the main spring of its prosperity, and fails to answer the end of its institution.

Hitherto Illinois has been without a commercial focus. She has been dependent upon the city of St. Louis; and the manner in which business has been done there, has operated upon the agricultural energies of our people like an incubus. There, they sell all, and buy little or nothing. There, commerce has never acted as the handmaid of agriculture. Whilst Cincinnati has paid for pork, a single article of country produce, near two millions of dollars a year, for the last several years, the merchants of St. Louis have permitted a few thousand head of hogs to glut their market, so that our farmers have had to drive their hogs home. We have witnessed the discouraging spectacle of droves of hogs passing through this place on their way home from St. Louis within the last few weeks. This will continue to be the case until St. Louis shall have a competitor for the trade of Illinois. The relative position which Chicago bears to our eastern cities, and to some of the most fertile regions of the west, together with the adaptation of its climate for that trade, points to it as a place destined to be one of the greatest provision markets in the whole west. Finish the canal, and in a few years it must rank as one of the first cities in the west; and we will then have located within our own borders a commercial capital which would be employed to "vivify, strengthen, and reward industry throughout its various departments. Its general influence would be quickly felt in every section of the State." Its being on the extreme verge of the State, is no objection. For who does not know that the capital and commercial enterprize of the cities of New York and Cincinnati, whose positions to the States of New York and Ohio are similar to that which Chicago bears to Illinois, have imparted life and energy to business in every quarter of those States.

The following extracts from an address of a committee of a convention held in Pennsylvania on the subject of internal improvements, in 1825, illustrates most forcibly the effects of such improvement up-

on those regions of country where they are needed. Speaking of the Erie and Champlain canals, the committee say:

"The improvements in the neighborhood of the Erie canal, are subjects of wonder and delight. Swamps have been cleared, marshes drained, and cultivation extended where human footsteps had never trod."

"On its banks, petty hamlets have become handsome villages; villages have become towns; and towns and villages are springing up where a few years since there was no trace of human habitations."

"Rochester, the chief town in Monroe county, by the census of 1820, amounted to 2,062 inhabitants; by the census of 1823, 3,731; and contains at present (1825) 4,500. In 1812, there was not the semblance of a village there. A lot of 11 feet front and 40 feet deep, has been recently sold in that town for \$11,000; and a brick building erected on it rents for \$340 per annum."

"The town of Lyons, which five years ago contained but two buildings, has now a court house, three places of worship, six inns, ten stores, and between 900 and 1000 inhabitants."

"At the town of Palmyra 30 miles from New York, there were 1500 cattle slaughtered in 1 [ ] At the close of the present year (1825) there will have been 3000."

"It is stated on respectable authority that the increased value of produce in the single county of Monroe, in the State of New York, in 1823, resulting wholly from the completion of the canal to that quarter, amounted to no less than \$275,000."

"The value of produce received at Albany last year through both canals, was above three millions."

"In the year 1821, there were but ten boats on the Champlain canal. The number was increased to above one hundred in 1823."

"Among the advantages resulting from the Erie and Champlain canals, has been the expenditure of about nine or ten millions of dollars among the farmers and other citizens of the State. Intense distress had prevailed in those quarters for two or three years before the canals were commenced. The farmers were deeply in debt for their lands, and greatly embarrassed. The expenditure has completely relieved them, and produced a total change in their situation."

"Another advantage, the extent of which it is difficult to calculate, is, the enhancement of the value of lands. The enhancement in the State of New York, is probably beyond the whole cost of both canals. Tracts of land contiguous thereto, have recently been rented for as much per acre as they were a few years since offered for in fee simple, without finding a purchaser. The advance of the timber land in the State of New Hampshire, by the completion of the Middlesex canal, is estimated by competent judges, at \$5,000,000—whereas the whole expense of the canal, 31 miles, was \$700,000. Lands rose wherever there was convenient access to them, from

one and a half and two dollars, to four, six, and eight dollars per acre."

The wonderful agency which the canal will have in increasing the fund of property on which to levy taxes, should not be overlooked by those who are anxious that the future fiscal condition of the State treasury should be so improved as to be able to meet the future demands upon it without inconvenience to the people: and as the measure to be proposed by the committee does not contemplate the imposition of any taxes, those portions of the State, if any there be, which may suppose that this improvement is not for their benefit, might find in this consideration alone, ample motives to secure for it their support. But it is believed their support may be expected from a more direct interest in the work. The southern portions of Missouri, Illinois, Indiana, and Kentucky, have a direct interest in any measure which is to withdraw from competition with them in the New Orleans market, the vast amount of surplus agricultural products which the fertile regions of the northern portions of those States are destined to furnish.

The committee believe, that although the people may be opposed to the State's making loans, the use of which they cannot perceive, yet they have too much confidence in the intelligence of the people, and their sagacity to perceive what is for their own interest, to doubt for one moment that they would approve of loans made for the purpose of creating a market for their produce, increasing the value of their lands, and of their business generally, to at least one hundred times the amount of the interest which each property holder would be called upon to pay. Entertaining this belief, the committee do not doubt that the people will approve of loans for those purposes, when it is shown they may be made without the imposition of any taxes, either now or hereafter. All the committee ask for the State to do, is to become the endorser for a perfectly solvent concern.

They therefore recommend that a loan sufficient to complete the entire work, be made upon the credit of the State, and that a portion of the town lots and canal lands be sold, from time to time, to pay the interest. From these, and the premiums on the loans, sufficient funds may be raised to pay the interest on these portions of the loan which may be received from time to time, as the progress of the work may require. Under this ample guaranty that the entire work would certainly be speedily done, there can be no doubt that the canal property would immediately appreciate to very nearly its maximum value.

The committee have now discharged the duty assigned them, in that manner which is in accordance with their views of their duty; and ask the indulgence of the Senate for any errors of fact or opinion into which they may have been betrayed by the haste with which they have had to examine the subject, and from the meagre character of the sources of information upon which they have had to rely. If they shall have succeeded in producing such an investigation of this in-

teresting subject as will result in some kind of legislation or other, which will be certain to cause a canal communication between the Illinois and the Lake to be made, they will have attained their object, although some other mode of doing it may be preferred. It is the *certainty* of accomplishing this object, that the committee have endeavored not to lose sight of in every view which they have taken of this important state enterprize: and they therefore beg leave to report the following bill:

“An act for the construction of the Illinois and Michigan canal.”

On motion,

The Senate adjourned until 2 o'clock.

—  
2 o'clock, P. M.

Senate met pursuant to adjournment:

Mr. Ewing moved that the report of the committee on Internal Improvements this day made to the Senate, be laid on the table; and that 5000 copies be printed.

Which was not agreed to.

Mr. Ewing then proposed 4500.

Which was also not agreed to.

Mr. Gatewood moved that 500 copies be printed.

Mr. Ewing moved that 4000 copies be printed.

The question being on printing 4000 copies:

It was decided in the affirmative.

Mr. Thomas, from the committee on Enrolled Bills, reported as correctly enrolled bills of the following titles, viz.:

“An act to authorize certain persons therein named to erect mill dams.”

“An act to amend an act for the limitation of actions, and for avoiding vexatious law suits;” approved Feb. 10, 1827.

“An act to improve the road from Equality by Crenshaw's works and Cypress creek to Shawneetown.”

“An act to authorize Alexander Kirkpatrick and William Hick to build a toll bridge across the Saline creek, at Equality.”

They also report as correctly enrolled,

Resolutions in relation to the alternate sections on the route of the Michigan and Illinois canal.

Preamble and resolutions asking the passage of a law of Congress for the relief of Daniel Malone.

Preamble and resolutions in relation to a grant of land to construct a road from Shawneetown to St. Louis.

Mr. Ewing that 4000 copies of the communication of the Governor, which was yesterday laid on the table, be printed for the use of the Senate.

Which was not agreed to.

On motion of Mr. Mills,

*Ordered* that 1000 copies thereof be printed.

The bill entitled "An act for the construction of the Illinois and Michigan canal;" was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Edwards,

The rules of the Senate were dispensed with, and the bill read a second time by its title; and,

On motion of Mr. Thomas,

Laid on the table; and 200 copies ordered to be printed.

A message from the Governor, by Mr. Bradley.

MR. SPEAKER:—I am directed by the Governor to lay before the Senate communication in writing.

And he withdrew.

Mr. Edwards, from the select committee, to which was referred the bill from the House of Representatives, entitled

"An act for the benefit of the heirs and legatees of Curtis Blakeman, sen'r. deceased;"

Reported the same back to the Senate without amendment.

*Ordered* that the bill be read a third time.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have passed bills of the following titles, viz:

"An act concerning estrays;" and

"An act to change part of certain state roads."

In the passage of which they ask the concurrence of the Senate.

They have concurred with the Senate in the passage of a bill entitled

"An act dividing the state into Judicial Circuits."

They have adopted the following resolution, viz.:

*"Resolved by the House of Representatives* (the Senate concurring herein) that both houses of the General Assembly

meet in the hall of the House of Representatives, on Wednesday, the 14th instant, at the hour of two o'clock, P. M., and proceed to elect judges to preside over the first, second, third, fourth, and sixth judicial circuits of this state; and also a public printer for the ensuing two years."

In the adoption of which they ask the concurrence of the Senate.

And he withdrew.

The bill from the House of Representatives, entitled "An act to incorporate the Chicago and Vincennes Railroad Company;" was,

On motion of Mr. McGahey,

Read a third time by its title, and passed.

*Ordered* that the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion,

The Senate adjourned.

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WEDNESDAY, January 14, 1835.

Senate met pursuant to adjournment;

Mr. Mather in the chair.

The message from the House of Representatives last received on yesterday, was then taken up. Whereupon,

On motion of Mr. Maxwell,

The resolution in said message relative to the election of Circuit Judges, &c. was amended by adding thereto the following: "Each member voting for some person for judge in said circuits, respectively, at the same time, by designating on his ticket the name of the candidates voted for in the 1st, 2d, 3d, 4th, and 6th circuits."

On the question, Will the Senate concur with the House of Representatives in the adoption of the resolution as amended?

It was decided in the affirmative.

*Ordered* That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled "An act concerning estrays;"

Was read the first time; and  
*Ordered* to a second reading.

On motion of Mr. Thomas,

The rules of the Senate were dispensed with, and the bill  
 read a second time by its title; and

Committed to a committee of the whole.

The bill from the House of Representatives, entitled  
 "An act to change part of certain state roads;"

Was read the first time; and

*Ordered* to a second reading.

Mr. Speaker announced that the message received from  
 the Governor on yesterday, and the one received some days  
 previous, were on executive business. Whereupon,

The doors were closed. And,

On opening the doors,

Mr. Gatewood moved that the Senate adhere to their  
 amendment to the bill from the House of Representatives,  
 titled

"An act supplemental to an act entitled 'An act relative to  
 wills and testaments.'"

Which was decided in the affirmative.

The bill from the House of Representatives entitled

"An act to incorporate Mount Carmel in Wabash county;"

Was read the first time, and,

*Ordered* to a second reading.

On motion of Mr. Mills,

The rules of the Senate were dispensed with, and the bill  
 read a second time by its title; and

Referred to the committee on the Judiciary.

Mr. Thomas from the committee on Enrolled bills, reported:

That bills of the following titles were on yesterday, laid be-  
 fore the Council of Revision; viz:

"An act to authorize certain persons therein named to  
 erect mill dams."

"An act to amend an act for the limitation of actions, and  
 for avoiding vexatious law suits;" approved 10th Feb: 1827.

"An act to improve the road from Equality, by Crenshaw's  
 works and Cypress creek, to Shawneetown."

"An act to authorize Alexander Kirkpatrick and William  
 Hick to build a toll bridge across the Saline creek, at Equal-  
 ity."

The bill from the House of Representatives, entitled

"An act to amend an act regulating enclosures;"

Was read the first time; and  
*Ordered* to a second reading.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed by the House of Representatives to inform the Senate that they have passed bills of the following titles, viz.:—

“An act to change part of the state road leading from Macomb to Havana.”

“An act to change a part of the state road leading from Hillsboro’ to Shelbyville.”

“An act to change a part of the state road from Vincennes to Chicago as lies in Crawford county.”

“An act to locate a state road from Frankfort, in Franklin county, by way of Vienna, in Johnson county, to the Ohio river.”

“An act to incorporate the town of Lawrenceville:” And,

“An act to change the county line between Perry and Franklin counties.”

In the passage of which they ask the concurrence of the Senate.

They have concurred with the Senate in their amendments to the bill from the House of Representatives, entitled

“An act defining the duties of Public Printers, and fixing the time and manner of performing the same.”

They have also concurred with the Senate in their amendment to the resolution from the House of Representatives in relation to the election of Circuit Judges. And he withdrew.

Mr. Gatewood asked and obtained leave to introduce the petitions of sundry citizens of this State in relation to the extension of the charter of the Bank of Illinois, at Shawneetown; and,

On motion of Mr. Gatewood,

The reading thereof was dispensed with, and the petitions Committed to a committee of the whole.

Mr. Williams, from the committee on Petitions, to which was referred the petition of sundry citizens of Pike county, in relation to a road from Pittsfield to Quincy, reported a bill entitled “An act to locate a state road from Pittsfield in Pike county to Quincy in Adams county.”

Which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Gatewood,

The bill entitled "An act to incorporate the President, Directors and Company of the Bank of Illinois;" was  
Committed to a committee of the whole.

The resolution from the House of Representatives having for its object the appointment of a joint select committee to draft resolutions &c. in relation to the continuation of the Cumberland road through the state of Illinois; was then concurred in.

*Ordered*, That Messrs. Edwards and Gatewood be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Thomas,

Leave of absence was granted to Mr. Forquer for ten days.

On motion,

The Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

Senate met pursuant to adjournment.

A message from the House of Representatives by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives are now ready to receive them in the hall of the House of Representatives, and proceed to the election of Judges of the Circuit Court, and Public Printer. And he withdrew. Whereupon,

The Honorable, the Senate, preceded by the Speaker-*pro tem.* repaired to the Representatives' Hall, and there both branches of the General Assembly proceeded to elect, by joint ballot, Circuit Judges to preside in the first, second, third, fourth and sixth Judicial Circuits.

Mr. Maxwell, of the Senate, and Mr. Whiteside, of the House of Representatives, having been appointed tellers, and an election having been had, it appeared, on examination, that

Stephen T. Logan received 46 votes for Judge of the first Judicial Circuit: and

James Turney, 31 votes for Judge of the first Judicial Circuit:—Scattering, 2 votes.

Sidney Breese received 74 votes for Judge of the second Judicial Circuit. Scattering, 5 votes.

Henry Eddy received 79 votes for Judge of the third Judicial Circuit. Scattering, 2 votes.

Justin Harlan received 43 votes for Judge of the fourth Judicial Circuit; and

John Pierson received 36 votes for Judge of the fourth Judicial Circuit. Scattering, 1 vote.

Thomas Ford received 78 votes for Judge of the sixth Judicial Circuit. Scattering, 2 votes.

Stephen T. Logan, Sidney Breese, Henry Eddy, Justin Harlan, and Thomas Ford, having respectively received a majority of all the votes given, were declared by the Speaker of the House of Representative duly elected Circuit Judges to preside in the first, second, third, fourth, and sixth Judicial Circuits, respectively.

The two Houses then proceeded to elect, *viva voce* a Public Printer; when the vote stood thus:

For John York Sawyer,

Messrs. Craig, Davidson, Edwards, Ewing, Forquer, Gatewood, Hacker, Jones, Lane, Mills, McGahey, Noel, Rattan, Stephenson, Vance, Whiteside, Will, and Williams, of the Senate:

Messrs. Able, Anderson, Blackwell, Blockburger, Brown, Butler, Carpenter, of Hamilton, Carpenter, of Sangamon, Clark, Cunningham, Dougherty, Dubois, Elliott, Ficklin, Fithian, Frazer, Gregory, Hackelton, Hamlin, Harris, Henry, Link, Manly, Murphy, Nunnally, Owen, Ross, Rowan, Stuart, Thomas, Trower, Tunnell, Vandevanter, Webb, and Mr. Speaker, of the House of Representatives.—53.

For Meinrad Greiner,

Messrs. Bond, Maxwell, Mitchell, Snyder, Taylor, Thomas, and Williamson, of the Senate:

Messrs. Bowyer, Cloud, Dawson, Gordon, Harrelle, Hampton, Hughes, Hunt, Hunter, Lincoln, Moore, McGahey, McHenry, Oliver, Outhouse, Thompson, Whiteside, Wren, and Wyatt, of the House of Representatives.—26.

Mr. Mather voted for Mr. Francis.—1.

John Y. Sawyer having received a majority of all the votes given, was declared by the Speaker of the House of Representatives, duly elected Public Printer for the ensuing two years. And thereupon,

The Honorable, the Senate returned to their chamber; and,  
On motion,  
Adjourned.

THURSDAY, January 15, 1835.

Senate met pursuant to adjournment.

Mr. Mitchell asked and obtained leave to introduce the petition of sundry citizens of Sangamon and McLean counties, praying an alteration in the state road from Springfield to Bloomington; and,

On motion of Mr. Mitchell,

The reading thereof was dispensed with; and the petition Referred to the committee on Petitions.

Mr. Edwards asked and obtained leave to introduce the petition of the members of the Baptist church at Lower Alton, praying an act of incorporation: and,

On motion of Mr. Edwards,

The reading thereof was dispensed with; and the petition Referred to a select committee.

Ordered that Messrs. Edwards, Williams, and Craig, be the committee.

Mr. Edwards, asked and obtained leave to introduce the petition of Samuel H. Denton, praying compensation, &c. and,

On motion of Mr. Edwards,

The reading thereof was dispensed with, and the petition Referred to the committee on Finance.

Mr. Noel asked and obtained leave to introduce a remonstrance from sundry citizens of Clark and Edgar counties, against the proposed change of a state road from Darwin to Paris; and,

On motion of Mr. Noel,

The reading thereof was dispensed with, and the remonstrance

Referred to the same select committee to which was referred the petition on the same subject.

On motion of Mr. Ewing,

The bill entitled "An act establishing a State Bank," which was heretofore laid on the table, was taken up, and

Committed to a committee of the whole.

A message from the House of Representatives, by Mr. Prickett, their Clerk.

MR. SPEAKER:—I am directed by the House of Representatives to inform the Senate that they have passed bills of the following titles, viz.:

"An act for the benefit of the clerk of the circuit and county commissioners' courts of La Salle county."

"An act further to amend an act to authorize James Nabb to build a toll bridge across the Embarrass river;" and

"An act to change the corporate powers of the town of Chicago."

In the passage of which they ask the concurrence of the Senate.

They have concurred with the Senate in the passage of a bill entitled

"An act for the benefit of William Allen."

They have adopted the following resolution, viz.:

*"Resolved by the House of Representatives* (the Senate concurring herein) That a joint select committee of three members of the House and two of the Senate be appointed to draft a memorial to Congress to instruct our Senators and request our Representatives to use their influence in the passage of a law to allow the laborers on the national road in this state a better compensation, as an inducement for a more general attendance for the purpose of expediting the improvement and accomplishment of said road;" and have appointed Messrs. Nnnnally, Blackwell, and Cunningham, the committee on their part.

In the adoption of which they ask the concurrence of the Senate.

And he withdrew.

A message from the Council of Revision, by William H. Brown, their clerk.

MR. SPEAKER:—The Council of Revision have approved bills of the following titles:

"An act to authorize Alexander Kirkpatrick and William Hick to build a toll bridge across the Saline creek, at Equality."

"An act to authorize certain persons therein named to erect mill dams."

"An act to improve the road from Equality by Crenshaw's works and Cypress creek to Shawneetown."

And he withdrew.

The bills from the House of Representatives, entitled

"An act to change part of the state road leading from Macomb to Havana."

"An act to change a part of the state road leading from Hillsboro' to Shelbyville."

"An act to change a part of the state road from Vincennes to Chicago as lies in Crawford county."

"An act to locate a state road from Frankfort, in Franklin county, by way of Vienna, in Johnson county, to the Ohio river."

"An act to incorporate the town of Lawrenceville:" And,

"An act to change the county line between Perry and Franklin counties."

Were severally read the first time, and

*Ordered* to a second reading.

The resolution from the House of Representatives, having for its object the appointment of a joint select committee to draft a memorial to Congress in relation to the compensation of laborers on the Cumberland road, being under consideration.

Mr. Hacker moved to refer said resolution to the committee on Internal Improvement.

Mr. Maxwell then moved to lay said resolution on the table until the 4th day of July next.

Which was decided in the affirmative.

The bills from the House of Representatives, entitled

"An act for the benefit of the clerk of the circuit and county commissioners' courts of La Salle county."

"An act further to amend an act to authorize James Nabb to build a toll bridge across the Embarrass river:" and,

"An act to change the corporate powers of the town of Chicago:

Were severally read the first time; and

*Ordered* to a second reading.

On motion of Mr. Hacker,

*Resolved by the Senate and House of Representatives*, That a joint select committee be appointed, consisting of one member of the Senate and two of the House, of each judicial circuit of this state, fixing the time of holding the courts in the respective judicial circuits, and fixing the salaries of the circuit judges.

*Ordered* That Messrs. Hacker, Ewing, Davidson, Thomas, Maxwell, and Stephenson, be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Will, from the minority of the select committee which was instructed to inquire into the expediency or inexpediency of establishing a state bank, reported a bill entitled

"An act to incorporate the subscribers to the Bank of the State of Illinois;"

Which was read the first time, and  
*Ordered* to a second reading.

On motion of Mr. Thomas,

The rules of the Senate were dispensed with, and the bill read a second time by its title.

On the further motion of Mr. Thomas,

The bill was then laid on the table, and 100 copies ordered to be printed.

On motion of Mr. Gatewood,

The committee of the whole were discharged from the further consideration of the bill entitled "An act to extend for a limited time the charter of the Bank of Illinois at Shawneetown," and the petitions in relation thereto.

The bill from the House of Representatives, entitled

"An act for the relief of Lewis J. Clawson;"

Was read the second time; and,

*Ordered* to a third reading.

The bill from the House of Representatives, entitled

"An act to view and lay out a state road from Brownsville, by way of Pinckneyville, to New Nashville, in Washington county;"

Was read the second time; and,

On motion of Mr. Will,

Referred to a select committee.

*Ordered* that Messrs. Will, Bond, and Whiteside, be the committee.

The bill from the House of Representatives, entitled

"An act to establish a state road from Crow's, in the county of Morgan, by the way of Athens, in Sangamon county, to Musick's bridge on Salt creek," was,

On motion of Mr. Thomas,

Read a secod time by its title, and

Referred to a select committee.

*Ordered* that Messrs. Thomas, Taylor, and Mitchell, be the committee.

The bill from the House of Répresentatives entitled

"An act to change part of certain state roads;"

Was read the second time; and,

*Ordered*, to a third reading.

The bill from the House of Representatives, entitled

"An act to amend an act regulating enclosures;"

Was read a second time; and,  
On motion of Mr. Thomas,  
Referred to a select committee.

*Ordered* that Messrs. McGahey, Rattan, and Williamson, be the committee.

The bill entitled "An act to locate a state road from Pittsfield in Pike county to Quincy in Adams county;"

Was read the second time; and

*Ordered* to be engrossed for a third reading.

The bill from the House of Representatives, entitled "An act for the relief of the people of White county;"

Was read the third time, and passed.

*Ordered* that the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled

"An act to locate and establish a state road therein named;"

Was read a third time, as amended, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein

The engrossed bill entitled

"An act for the benefit of Robert Ritchey;"

Was read the third time, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Gatewood,

The further consideration of the bill from the House of Representatives entitled "An act for the benefit of the heirs and legatees of Curtis Blakeman, sen'r. deceased;" was indefinitely postponed.

On motion,

The Senate then adjourned.

FRIDAY, January 16, 1835.

Senate met pursuant to adjournment;

Mr. Mather in the chair.

A message from the House of Representatives, by Mr. Prickett, their clerk.

**MR. SPEAKER:**—I am directed by the House of Representatives to inform the Senate that they have passed bills of the following titles, viz.:

“An act to provide for the election of county recorders and Surveyors.”

“An act to authorize the county commissioners’ courts of Randolph and Perry to refund certain taxes.”

“An act to prevent the circulation of bank notes under the denomination of five dollars.” And

“An act to amend an act declaring what laws of a general nature shall be published with the acts of a general nature of this session;” approved March 2d, 1833.

In the passage of which they ask the concurrence of the Senate.

They have adopted the following resolution, viz.;

*Resolved by the House of Representatives* (the Senate concurring herein) That a joint select committee of twelve from the House of Representatives and six from the Senate, be appointed to report a bill for an act to regulate the time of holding circuit courts in the several counties in this state; and also the supreme court: and also regulating the salaries of the several circuit judges: and have appointed Messrs. Hughes, Thomas, Dougherty, Rowan, Ficklin, McGahey, Wyatt, Stuart, Owen, Ross, Hamlin, and Butler, the committee on their part. In the adoption of which they ask the concurrence of the Senate.

They have concurred with the Senate in their amendment to the bill from the House of Representatives, entitled

“An act to amend an act prescribing the mode of summoning grand and petit jurors, and defining their qualifications and duties;” approved February 7, 1829;

They refuse to recede from their vote of non-concurrence in the amendment of the Senate to the bill from the House of Representatives entitled “An act relative to wills and testaments;” and ask for a committee of conference on said disagreeing vote of the two houses; and have appointed Messrs. Link, Rowan, and Stuart, the committee on their part:—and request the appointment of a like committee on the part of the Senate.

And he withdrew.

Mr. Stephenson asked and obtained leave to introduce the

petition of sundry citizens of La Salle county, praying the Legislature to pass a law authorizing George F. Markley to build a mill dam across Fox river; and,

On motion of Mr. Stephenson,

The reading thereof was dispensed with; and the petition Referred to the committee on Petitions.

Mr. Thomas, from the select committee, to which was referred the bill entitled

“An act relative to the town of Vandalia;”

Reported the same back to the Senate with sundry amendments; which were read and concurred in.

*Ordered* that the bill as amended, be engrossed for a third reading.

Mr. Thomas, from the select committee to which was referred the bill from the House of Representatives, entitled

“An act to establish a state road from Crow’s, in the county of Morgan, by the way of Athens, in Sangamon county, to Musick’s bridge, on Salt creek;”

Reported the same back to the Senate with an amendment: Which was read and concurred in.

*Ordered* that the bill, as amended, be read a third time.

Mr. Thomas, from the committee on the Judiciary, to which was referred the bill from the House of Representatives entitled “An act to amend an act entitled an act relative to the attorney general and states’ attorneys,”

Reported the same back to the Senate without amendment.

Mr. Thomas then moved that the further consideration of the bill be indefinitely postponed.

Which was decided in the negative.—Ayes 12.—Nays 13.

Those who voted in the affirmative, are,

Messrs. Davidson, Edwards, Gatewood, Hacker, Jones, Lane, Mather, Mills, Thomas, Vance, Will, and Williams.—12.

Those who voted in the negative, are,

Messrs. Bond, Craig, Ewing, Maxwell, Mitchell, McGahey, Noel, Rattan, Stephenson, Snyder, Taylor, Whiteside, and Williamson.—13.

On the question, Shall the bill be read a third time?

It was decided in the affirmative.—Ayes 13—Nays 12.

Those who voted in the affirmative, are

Messrs. Bond, Craig, Ewing, Maxwell, Mitchell, McGahey, Noel, Rattan, Stephenson, Snyder, Taylor, Whiteside, and Williamson.—13.

Those who voted in the negative, are  
 Messrs. Davidson, Edwards, Gatewood, Hacker, Jones,  
 Lane, Mather, Mills, Thomas, Vance, Will, and Williams.—12.

On motion,

The Senate adjourned until 2 o'clock, P. M.

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2 o'clock, P. M.

Senate met pursuant to adjournment.

Mr. Snyder, from the select committee to which was referred the petition of sundry citizens of St. Clair county, praying the Legislature of this state to memorialize Congress to grant said county 160 acres of land, reported the following preamble and resolution, viz.:

Whereas, by an act of Congress passed March 3d, 1791, there was granted to the French villages of Cahokia and Prairie du Point, in St. Clair county, a large tract of land about five thousand acres in quantity, including those villages (which had been before that time used by the inhabitants of said villages as a common) to be appropriated to the use of the said villages, respectively, as a common, until otherwise disposed of by law: and whereas said tract of land thus appropriated is exempt from taxation, sale, or lease, by the laws of this state, and much inconvenience has resulted from this tenure, and enjoyment by the said inhabitants, inasmuch as said tract of land is located in part opposite the city of St. Louis, and the ferry thereto, so that difficulties are experienced in relation to the construction of the Vincennes road, and the repair thereof: and whereas great benefit, in the opinion of this Legislature would result to the people of the state in these respects, and by having a grant of 160 acres of the land so appropriated for those purposes, and to facilitate and extend the ferry privileges, and improve said road: therefore,

*Resolved by the Senate and House of Representatives of the State of Illinois, That our Senators and Representatives be desired to use their exertions to procure the passage of a law in Congress granting to the county of St. Clair, one hundred and sixty acres of land, for the purposes aforesaid; to be located in a part of said appropriated land, under the direction of the county commissioners' court of said county."*

On the question, Shall the preamble and resolution be adopted?

It was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Mr. Bond,

The Senate resolved itself into a committee of the whole on the preamble and resolution from the House of Representatives in relation to the Seminary Fund,

Mr. Ewing in the chair;

And after some time spent therein,

Mr. Speaker resumed the chair, and Mr. Ewing reported:

That the committee of the whole had, according to order, had said preamble and resolution under consideration, had amended the same by striking out after the word "schools," the words "or to be by the Legislature applied to the purposes mentioned in the ordinance," and had directed him to ask the concurrence of the Senate therein.

Mr. Thomas moved to amend the report of the committee by inserting the following in lieu thereof:

"Whereas the Congress of the United States, in the act entitled "An act to enable the people of the Illinois Territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original States;" passed 18th April, 1818, provided among other things "that five per cent. of the nett proceeds of the lands lying within such state, and which shall be sold by Congress, from and after the first day of January, 1819, after deducting all expenses incident to the same, shall be reserved for the purposes following, viz: two-fifths to be disbursed under the direction of Congress in making roads leading to the State: the residue to be appropriated by the Legislature of the State for the encouragement of learning, of which one-sixth part shall be exclusively bestowed on a college or University;" also, "that thirty-six sections, or one entire township, which shall be designated by the President of the United States, together with the one hereto reserved for that purpose; shall be reserved for the use of a seminary of learning, and vested in the Legislature of the said State to be appropriated solely to the use of such seminary by the said legislature."— And this General Assembly being of the opinion that the restrictions imposed upon the power of the legislature of the State in the appropriation of the funds to arise from the grants

aforesaid, operates to prevent the state from using those funds in the most avantageous manner for the encouragement of learning: It is therefore

*Resolved*, That the Senators and Representatives in Congress from this state, be instructed to ask of the Congress of the United States to remove the restriction upon the right of the Legislature to appropriate the funds aforesaid; and that authority be given to the state to appropriate the funds for the encouragement of learning, in such manner as may be deemed most expedient; and the consent of the state of Illinois is hereby given to such change in the grant aforesaid."

On the question, Will the Senate concur in the proposed amendment to the report of the committee?

It was decided in the negative.

A message from the House of Representatives, by Mr. Prickett, their Clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have concurred with them in their amendment to the bill from the House of Representatives entitled

"An act to locate and establish a state road therein named."

They have passed bills of the following titles, viz:

"An act concerning county surveyors and clerks."

"An act to lay out a state road from the Wabash to the Yellow banks on the Mississippi."

"An act to authorize the county court of Montgomery county to change a certain state road therein named."

"An act to amend an act relative to the improvement of the Great Wabash river;" approved February 12, 1833." And,

"An act in relation to the money heretofore appropriated to the county of Randolph out of the avails arising from the sale of the Gallatin Saline lands to internal improvements;" approved Feb. 16, 1831."

In the passage of which they ask the concurrence of the Senate.

And he withdrew.

The question being put upon concurring with the committee of the whole in their amendment to the resolution in relation to the "Seminary Fund,"

Was decided in the affirmative.

Mr. Hacker moved further to amend said resolution by striking out the word "common" before the word "schools."

Which was decided in the negative.—Ayes 7.—Nays 16.

Those who voted in the affirmative, are  
 Messrs. Ewing, Gatewood, Hacker, McGahey, Stephenson,  
 Taylor, and Vance.—7.

Those who voted in the negative, are

Messrs. Bond, Craig, Davidson, Edwards, Jones, Lane,  
 Maxwell, Mather, Mitchell, Noel, Rattan, Snyder, Thomas,  
 Will, Williams, and Williamson.—16.

Mr. Gatewood moved to amend the said resolution by inserting after the word "schools" the words "or to the erection of a seminary of learning in each county of the state in connexion with the system of common schools."

Mr. Stephenson moved to lay the resolution and proposed amendment on the table untill the 4th day of July next.

Was decided in the negative.—Ayes 5.—Nays 18.

Those who voted in the affirmative, are

Messrs. Hacker, Mitchell, Stephenson, Taylor, and Williams.—5.

Those who voted in the negative, are

Messrs. Bond, Craig, Davidson, Edwards, Ewing, Gatewood,  
 Jones, Lane, Maxwell, Mather, McGahey, Noel, Rattan, Snyder,  
 Thomas, Vance, Will, and Williamson.—12.

The question then recurring on the adoption of the amendment proposed by Mr. Gatewood;

It was decided in the negative.—Ayes 6.—Nays 17.

Those who voted in the affirmative, are

Messrs. Edwards, Ewing, Gatewood, Taylor, Williams, and Williamson.—6.

Those who voted in the negative, are

Messrs. Bond, Craig, Davidson, Hacker, Jones, Lane, Maxwell,  
 Mather, Mitchell, McGahey, Noel, Rattan, Stephenson,  
 Snyder, Thomas, Vance, and Will.—17.

Mr. Davidson then moved to amend the resolution, by inserting after the word "schools" the words "or in aid of such seminaries of learning as they may direct."

Which was decided in the negative.—Ayes 10.—Nays 13.

Those who voted in the affirmative, are

Messrs. Davidson, Edwards, Ewing, Gatewood, Jones, Mather,  
 Taylor, Thomas, Vance, and Williams.—10.

Those who voted in the negative, are

Messrs. Bond, Craig, Hacker, Lane, Maxwell, Mitchell,  
 McGahey, Noel, Rattan, Stephenson, Snyder, Will, and Williamson.—13.

The question was then put on the adoption of the preamble and resolution, as amended; and

Decided in the affirmative.—Ayes 17.—Nays 6.

Those who voted in the affirmative, are

Messrs. Bond, Craig, Davidson, Edwards, Ewing, Hacker, Jones, Lane, Maxwell, McGahey, Noel, Rattan, Stephenson, Snyder, Thoas, Will, and Williamson.—17.

Those who voted in the negative, are

Messrs. Gatewood, Mather, Mitchell, Taylor, Vance, and Williams.—6.

*Ordered* That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion,

The Senate then adjourned.

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SATURDAY, *January 17, 1835.*

Senate met pursuant to adjournment;

Mr. Mather in the chair.

Mr. Thomas; from the committee on Enrolled Bills, reported as correctly enrolled bills of the following titles, viz.:

“An act dividing the state into Judicial Circuits.”

“An act to amend an act entitled an act to locate a state road from Quincy, in Adams county, to Macomb, in McDonough county, approved Feb. 12, 1833.”

“An act to incorporate the Chicago and Vincennes Railroad Company;”

“An act regulating the mode of granting license to clock pedlers.”

“An act for the benefit of William Allen.”

Mr. Ewing asked and obtained leave to introduce the petition of Thomas Redman, praying relief; and,

On motion of Mr. Ewing,

The reading thereof was dispensed with; and the petition Referred to the committee on Petitions.

Mr. Mitchell asked and obtained leave to introduce the petition of sundry citizens of Tazewell county, praying the

passage of a law authorizing the sale of section 16, township 25 north, Range 2 west, in said county; and,

**On motion of Mr. Mitchell,**

The reading thereof was dispensed with, and the petition

Referred to the same select committee to which was referred the petition in relation to a certain other sixteenth section in said county.

Mr. McGahey from the select committee to whom was referred the bill from the House of Representatives entitled

"An act to amend an act regulating enclosures;"

Reported the same back to the Senate without amendment.

**Ordered**, that the bill be read the third time.

Mr. Maxwell, from the select committee to which was referred the bill entitled "An act for the relief of the securities of Thomas Moore;"

Reported the same back to the Senate with an amendment; which was read and concurred in.

**Ordered** that the bill be engrossed for a third reading.

Mr. Stephenson moved that the committee of the whole be discharged from the further consideration of the bill from the House of Representatives, entitled

"An act concerning public roads;"

Which was not agreed to.

Mr. Thomas from the committee on Enrolled bills, reported: That on this day bills of the following titles were laid before the Council of Revision; viz:

"An act dividing the state into judicial circuits."

"An act to amend an act entitled 'An act to locate a state road from Quincy, in Adams county, to Macomb, in McDonough county;' approved Feb. 12, 1833.

"An act to incorporate the Chicago and Vincennes Railroad Company."

"An act regulating the mode of granting licenses to clock pedlers."

"An act for the benefit of William Allen."

The resolution from the House of Representatives having for its object the appointment of a joint select committee to report a bill fixing the times of holding circuit courts,

Was then concurred in.

**Ordered**, that Messrs. Hacker, Ewing, Davidson, Thomas, Maxwell, and Stephenson, be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to provide for the election of county recorders and surveyors;" was read the first time.

Mr. Hacker moved to lay said bill on the table.

Which was decided in the negative.—Ayes 9.—Nays 15.

Those who voted in the affirmative, are,

Messrs. Davidson, Gatewood, Hacker, Jones, Lane, Mather, Thomas, Vance, and Williams.—9.

Those who voted in the negative, are,

Messrs. Bond, Craig, Edwards, Ewing, Maxwell, Mitchell, McGahey, Noel, Rattan, Stephenson, Snyder, Taylor, Whiteside, Will, and Williamson.—15.

On the question, Shall the bill be read the second time?

It was decided in the affirmative.—Ayes 17—Nays 7.

Those who voted in the affirmative, are

Messrs. Bond, Craig, Davidson, Edwards, Ewing, Hacker, Maxwell, Mather, Mitchell, McGahey, Noel, Rattan, Stephenson, Snyder, Taylor, Will, and Williamson.—17.

Those who voted in the negative, are

Messrs. Gatewood, Jones, Lane, Thomas, Vance, Whiteside, and Williams.—7.

Mr. McGahey moved that the rules of the Senate be dispensed with, and the bill be read a second time by its title.

Which was decided in the affirmative.—Ayes 20—Nays 4.

Those voting in the affirmative, are,

Messrs. Bond, Craig, Edwards, Ewing, Gatewood, Hacker, Jones, Maxwell, Mather, Mitchell, McGahey, Noel, Rattan, Stephenson, Snyder, Taylor, Vance, Will, and Williamson.—20.

Those voting in the negative, are,

Messrs. Davidson, Lane, Thomas, and Whiteside.—4.

Mr. Hacker moved to amend the bill by inserting the following, viz.:

"That there be elected by the people at their August election, in the year 1836, and every two years thereafter, one states' Attorney for each judicial circuit now or hereafter to be created in this state; and the person so elected shall be commissioned by the Governor, to continue in office for two years from and after his election, and until his successor shall be qualified.

"Sec. 2. So much of the third section of the act to which this is an amendment, approved Feb. 17, 1827, as relates to

the appointment of state attorneys by the Governor, be, and the same is hereby repealed."

On the question, Shall the proposed amendment be concurred in?

It was decided in the negative.—Ayes 8.—Nays 16.

Those voting in the affirmative, are,

Messrs. Davidson, Gatewood, Hacker, Jones, Thomas, Vance, Will, and Williams.—8.

Those voting in the negative, are,

Meszrs. Bond, Craig, Edwards, Ewing, Lane, Maxwell, Mitchell, McGahey, Noel, Rattan, Stephenson, Snyder, Taylor, Whiteside, and Williamson.—16.

On motion of Mr. Ewing,

The bill was then referred to a select committee.

*Ordered* that Messrs. Ewing, Lane, and Maxwell, be the committee.

A message from the Governor, by Mr. Field, Secretary of State.

**MR. SPEAKER:**—I am directed by the Governor to lay before the Senate a communication in writing.

And he withdrew.

Mr. Speaker announced that said communication was on executive business. Whereupon,

The doors were closed.

And,

On opening the doors,

The bill from the House of Representatives, entitled "An act to authorize the county commissioners' courts of Randolph and Perry to refund certain taxes,"

Was read the first time; and

*Ordered* to a second reading.

The bill from the House of Representatives entitled "An act to prevent the circulation of bank notes under the denomination of five dollars;"

Was read the first time: and

Laid upon the table.

The bill from the House of Representatives, entitled "An act to amend an act declaring what laws of a general nature shall be published with the acts of a general nature of this session," approved March 2, 1833;

Was read the first time; and

*Ordered* to a second reading.

Mr. Gatewood moved that the Senate accede to the request.

of the House of Representatives to appoint a committee of conference on the disagreeing vote of the two houses relative to the bill from the House of Representatives entitled "An act supplemental to an act relative to wills and testaments."

Which was agreed to.

*Ordered* that Messrs. Gatewood, Thomas, and Edwards, be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof.

On motion,

The Senate adjourned until 2 o'clock, P. M.

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2 o'clock, P. M.

Senate met pursuant to adjournment.

The bill from the House of Representatives, entitled "An act to change part of the state road leading from Macomb to Havana."

Was read the second time; and,

*Ordered* to a third reading.

The bill from the House of Representatives, entitled "An act to change a part of the state road leading from Hillsboro' to Shelbyville;" was,

On motion of Mr. McGahey,

Read the second time by its title; and

*Ordered* to a third reading.

A message from the Council of Revision, by William H. Brown, their clerk.

MR. SPEAKER:—The Council of Revision have approved bills of the following titles:

"An ac to amend an act entitled "An act to locate a state road from Quincy, in Adams county, to Macomb, in McDonough county;" approved Feb. 12. 1833."

"An act dividing the state into judicial circuits."

"An act to incorporate the Chicago and Vincennes Railroad Company;" and,

"An act to amend an act for the limitation of actions, and for avoiding vexatious law suits;" approved Feb. 10, 1827.

And he withdrew.

The bill from the House of Representatives, entitled

"An act to change a part of the state road from Vincennes to Chicago as lies in Crawford county;" was,

On motion of Mr. McGahey,

Read the second time by its title, and

*Ordered* to a third reading.

The bill from the House of Representatives, entitled

"An act to locate a state road from Frankfort, in Franklin county, by way of Vienna, in Johnson county, to the Ohio river."

Which was read the second time, and

*Ordered* to a third reading.

On motion of Mr. Hacker,

The rules of the Senate were dispensed with, and the bill read a third time by its title, and passed.

*Ordered* that the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled

"An act to incorporate the town of Lawrenceville;" was,

On motion of Mr. Thomas,

Read the third time by its title; and

*Ordered* to a third reading.

The bill from the House of Representatives, entitled

"An act to change the county line between Perry and Franklin counties;"

Was read the second time, and,

On motion of Mr. Hacker,

Referred to a select committee.

*Ordered* that Messrs. Hacker, Will, and Noel, be the committee.

The bills from the House of Representatives, entitled

"An act for the benefit of the clerk of the circuit and county commissioners' courts of La Salle county."

"An act further to amend an act to authorize James Nabb to build a toll bridge across the Embarrass river;" and

Were severally read the second time; and

*Ordered* to a third reading.

The bill from the House of Representatives, entitled

"An act to change the corporate powers of the town of Chicago;"

Was read the second time by its title; and

Referred to the committee on the Judiciary.

A message from the House of Representatives, by Mr. Prickett, their clerk.

**MR. SPEAKER:**—I am directed to inform the Senate that the House of Representatives have concurred with them in their amendment to the bill from the House of Representatives entitled “An act for the relief of John Stockwell, sheriff of the county of Clark, and William Worthen, sheriff of the county of Jackson.”

They have also concurred with the Senate in their amendment to the title of said bill.

They have adopted the following resolution, viz.:.

“*Resolved by the House of Representatives,* That Benjamin V. Stephenson be recommended to the Senate as a suitable person to fill the office of county surveyor of Macoupin county.”

And he withdrew.

The bill from the House of Representatives, entitled “An act to amend an act regulating the mode of trying the right of property;”

Was read the third time.

**Mr. Thomas** moved to amend said bill by striking out the first proviso in the third section.

Which was not agreed to.

On the question, Shall the bill pass?

It was decided in the affirmative.

**Ordered,** That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bills from the House of Representatives, entitled

“An act for the relief of Lewis J. Clawson;” and,

“An act to change part of certain state roads;”

Were severally read the third time and passed.

**Ordered** that the titles of the bills be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The engrossed bills entitled

“An act to locate a state road from Pittsfield, in Pike county, to Quincy, in Adams county;”

Was read the third time, and passed.

**Ordered,** That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein

The engrossed bill entitled

“An act relative to the town of Vandalia;”

Was read a third time, and passed.

**Ordered,** That the title of the bill be as aforesaid, and that

the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled "An act to establish a state road from Crow's, in the county of Morgan, by the way of Athens, in Sangamon county, to Musick's bridge, on Salt creek;"

Was read a third time, by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives entitled

"An act to amend an act entitled an act relative to the attorney general and states' attorneys," was read the third time.

Mr. Snyder moved to refer the bill to a select committee.

Mr. Gatewood moved to lay the bill on the table till the 4th day of July next.

Which was decided in the negative.—Ayes 12.—Nays 13.

Those who voted in the affirmative, are

Messrs. Davidson, Edwards, Gatewood, Hacker, Jones, Lane, Mather, Mills, Thomas, Vance, Will, and Williams.—12.

Those who voted in the negative, are

Messrs. Bond, Craig, Ewing, McGahey, Maxwell, Mitchell, Noel, Rattan, Snyder, Stephenson, Taylor, Whiteside, and Williamson.—13.

The question then recurring on Mr. Snyder's motion to refer the bill to a select committee;

It was decided in the affirmative.

*Ordered* that Messrs. Snyder, Hacker, Craig, Maxwell, and Lane, be the committee.

Mr. Davidson, from the select committee, to which was referred the bill from the House of Representatives entitled

"An act for the benefit of John Groves;"

Reported the same back to the Senate with an amendment; which was read and concurred in.

*Ordered* that the bill be read the third time.

Mr. Snyder, from the joint the select committee which was instructed to ascertain whether the laws and journals were printed and delivered in conformity with a joint resolution of the last Legislature, and likewise to ascertain the different sums that have been paid out of the state treasury to the different persons who were employed in the performance of those duties, reported,

That the committee find from inspecting the vouchers and receipts on file in the office of Secretary of State, there was

delivered to said office laws and journals at the following dates and amount, viz.: Copies.

By Greiner and Sherman, printed journals, 27th June,	
1833, - - - - -	1000
By R. K. Fleming, private acts printed, June 27, 1833,	500
By R. Goudy, bound revised laws, 13th July, " 50	
By Greiner & Sherman, revised laws, 16th Nov. " 3450	

The committee further find that the contract for printing the revised laws by Greiner & Sherman did by its terms require the delivery of the printed sheets to R. Goudy, the binder, on the 1st day of July, 1833; and for every week's delay, a deduction of six per cent. from the whole amount of their contract was to be made. It appears from the vouchers on file, that Greiner & Sherman did not deliver the printed sheets of the revised laws to R. Goudy, until the 6th day of July, 1833, five days after the time expired in their contracts with the state. An entire week not having elapsed between the day of delivery of the printed sheets and the first day of July, the day fixed by their contract, the committee are of opinion that they did not subject themselves to the forfeiture of the penalty specified in their contract, as above recited. This seems to have been the opinion of the Governor of the state, to whom was submitted the facts in relation to the matter, who directed the Auditor to draw a warrant in favor of Greiner & Sherman, for the full amount stipulated by the state to them upon the receipt of the work.

The committee find the laws and journals distributed, to be in the following order:

Revised laws of 1833, to the counties,	2110 copies.
Private acts of 1833, to the counties,	247 "
Journals of both Houses to the counties,	710 "
Delivered to the sheriffs for sale, revised laws,	892 "
Militia laws, to divisions, brigades, odd battal-	

lions, and regiments, - - - - - 1250 "

Amount paid for printing and binding the laws, journals, and private acts, to be as follows:

To Robert Goudy, for binding,	\$2381 00
To Greiner & Sherman for printing laws and	
journals, - - - - -	4270 15
To R. K. Fleming, for printing private acts,	283 80
To J. Y. Sawyer, for printing Militia laws,	203 84

Am't. of printing and binding laws and journals, \$7138 79

There has been paid out of the treasury for distributing the laws and journals the further sum of \$930. Total amount paid for printing, binding, and distributing the laws, \$8068 79.

The committee are constrained to say, that the printing seems to have been done carelessly; and, in many instances, the revised code of 1833, when delivered, was found imperfect in the stitching; so much so, that not unfrequently many pages were found detached, within the covers.

The committee ask to be discharged from the further consideration of the subject.

On the question Shall the committee be discharged from the further consideration of the subject?

It was decided in the affirmative.

On motion of Mr. Craig,

The nomination of Benjamin V. Stephenson for county surveyor of Macoupin county, was then confirmed.

The bill from the House of Representatives, entitled

‘An act concerning county surveyors and Clerks,’

Was read the first time; and

*Ordered* to a second reading.

The bill from the House of Representatives, entitled

“An act to lay out a state road from the Wabash to the Yellow banks on the Mississippi;”

Was read the first time; and

*Ordered* to a second reading.

On motion of Mr. Maxwell,

The rules of the Senate were dispensed with, and the bill read a second time by its title; and

Referred to a select committee.

*Ordered* that Messrs. Maxwell, Vance, and Jones, be the committee.

On motion,

The Senate adjourned until Monday morning, 10 o'clock.

MONDAY, January 19, 1835.

Senate met pursuant to adjournment;

Mr. Speaker Jenkins in the chair.

A message from the House of Representatives by Mr. Prickett, their clerk.

**MR. SPEAKER:**—I am directed to inform the Senate that the House of Representatives have passed a bill of the following title, viz.:

“An act changing an appropriation heretofore made to the county commissioners’ court of Vermillion county, to the county commissioners’ court of Champaigne county.”

In the passage of which they ask the concurrence of the Senate.

They have adopted a preamble and resolutions, instructing our Senators and requesting our representatives to oppose the claims of Michigan to any portion of territory lying within the constitutional limits of this state.

In the adoption of which they also ask the concurrence of the Senate.

And he withdrew.

On motion of Mr. Ewing,

The vote taken on Saturday on the passage of the bill from the House of Representatives, entitled

“An act to locate a state road from Frankfort, in Franklin county, by way of Vienna, in Johnson county, to the Ohio river;” was re-considered.

Whereupon,

On motion of Mr. Whiteside,

The bill was referred to a select committee.

*Ordered* that Messrs. Whiteside, Will, and Craig, be the committee.

Mr. Mather asked and obtained leave to introduce a remonstrance from sundry citizens of Randolph county, against the removal of the seat of justice of Randolph county; and,

On motion of Mr. Mather,

The reading thereof was dispensed with; and the remonstrance

Referred to the committee on Petitions.

Mr. Ewing from the select committee to whom was referred the bill from the House of Representatives entitled

“An act to provide for the election of county recorders and Surveyors;”

Reported the same back to the Senate with sundry amendments; which were read; and,

A division of the question having been called for on concurring in said amendments;

The question was first put on concurring in the first amendment proposed by the committee to said bill; and

Decided in the affirmative.

The other amendments proposed by the committee to said bill, were then also concurred in.

The question was then put, Shall the bill be read the third time? and

Decided in the affirmative.—Ayes 13.—Nays 12.

Those who voted in the affirmative, are,

Messrs. Bond, Craig, Edwards, Ewing, McGahey, Maxwell, Mitchell, Rattan, Snyder, Stephenson, Taylor, Will, and Mr. Speaker, who gave the casting vote.—13.

Those who voted in the negative, are,

Messrs. Davidson, Gatewood, Hacker, Jones, Lane, Mills, Thomas, Vance, Whiteside, and Williamson.—12.

Mr. Thomas, from the select committee to which was referred the bill entitled

“An act for the benefit of Peter Warren, John Storm and Andrew Caldwell;”

Reported the same back to the Senate without amendment.

*Ordered* that the bill be engrossed for a third reading.

Mr. Edwards, from the select committee to whom was referred the petition of the members of the Baptist church at Lower Alton, reported a bill entitled

“An act concerning religious societies.”

Which was read the first time; and,

On the question, Shall the bill be read the second time?

It was decided in the affirmative.—Ayes 18.—Nays 5.

Those who voted in the affirmative, are

Messrs. Bond, Craig, Davidson, Edwards, Ewing, Jones, McGahey, Mather, Mills, Rattan, Stephenson, Taylor, Thomas, Vance, Whiteside, Will, Williams, and Williamson.—18.

Those who voted in the negative, are

Messrs. Gatewood, Hacker, Lane, Mitchell, and Snyder.—6.

On motion of Mr. Stephenson,

*Resolved*, That in all questions put by the chair, the same may be taken by yeas and nays, when two members shall call for them; and the names of the members thus calling the same, shall be entered on the journals as making such call.

Mr. Thomas, from the committee on Enrolled Bills, reported as correctly enrolled bills of the following titles, viz.:

“An act to change part of the state road leading from Bloomington to Danville.”

“An act to locate a state road from Bloomington to Chicago.”

“An act for the relief of the sheriff of Jackson county.”

A message from the Governor, by Mr. Field, Secretary of State.

“**MR. SPEAKER:**—I am directed by the Governor to present to the Senate a written communication.” And he withdrew.

On motion of Mr. Davidson,

The bill from the House of Representatives, entitled

“An act for the benefit of John Groves;”

Was read the third time by its title, and passed.

*Ordered* that the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendment of the Senate to the same.

On motion of Mr. Mather,

The bill from the House of Representatives, entitled

“An act permanently to locate the seat of justice of Randolph county,” with the accompanying documents, which were heretofore laid on the table; were taken up, and

Referred to the committee on Petitions.

Mr. Williams asked and obtained leave to introduce a bill entitled “An act concerning the public revenue;”

Which was read the first time, and

*Ordered* to a second reading.

The bill entitled

“An act to extend for a limited time the charter of the Bank of Illinois at Shawneetown;” being under consideration for a third reading; and,

The question being put, Shall the bill be read the third time? and the ayes and nays having been called for by Mr. Snyder and Mr. Hacker;

It was decided in the negative.—Ayes 12.—Nays 13.

Those who voted in the affirmative, are

Messrs. Ewing, Gatewood, Lane, Mather, Mills, Taylor, Thomas, Vance, Whiteside, Will, Williams, and Williamson.

—12.

Those who voted in the negative, are

Messrs. Bond, Craig, Davidson, Edwards, Hacker, Jones, McGahey, Maxwell, Mitchell, Noel, Rattan, Snyder, and Stephenson.—13.

On motion,

**The Senate adjourned until 2 o'clock, P. M.**

2 o'clock, P. M.

Senate met pursuant to adjournment.

Mr. Maxwell, from the select committee to which was referred the petition and remonstrance of sundry citizens of the counties of Clark and Edgar, relative to a re-location of that part of the state road from Vincennes to Chicago as lies between Darwin, in Clark county, and Paris, in Edgar county, reported:

That they had the same under consideration, and after an attentive examination of the respective wishes of the petitioners and those remonstrating against the object of the petitioners, it appears, that a large majority of the citizens of Edgar county are averse to any change of the road through Edgar county; whilst those of Clark desire the change. To meet the views of both the petitioners and those remonstrating, it seems that a middle course might be adopted, granting the request of the petitioners, within the county of Clark, and continuing the change or re-location of the road so as to terminate at the point where said road now crosses the line between the two counties, and no further. With this view of the case, the committee suppose that the act of the 28th February, 1833, in reference to a then contemplated re-location of this part of the road, was passed. And as it may be doubted whether said act is now in force, they report a bill for

"An act to revive and continue in force an act authorizing a review of a part of the Vincennes and Chicago road."

Said bill was then read the first time; and

*Ordered* to a second reading.

Mr. Hacker, from the select committee to which was referred the bill from the House of Representatives entitled

"An act to change the county line between Perry and Franklin counties;"

Reported the same back to the Senate with an amendment; Which was read and concurred in.

*Ordered* that the bill, be read a third time.

On motion of Mr. Hacker,

The Senate resolved itself into a committee of the whole on the bill from the House of Representatives, entitled

"An act concerning public roads;"

Mr. Hacker in the chair;

And after some time spent therein,

Mr. Speaker resumed the chair, and Mr. Hacker reported: That the committee of the whole had, according to order, had said bill under consideration, made sundry amendments thereto, and had directed him to ask the concurrence of the Senate therein.

On motion,

The Senate then adjourned.

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TUESDAY, January, 20, 1835.

Senate met pursuant to adjournment;

A message from the Governor, by Mr. Field, Secretary of  
MR. SPEAKER:—I am directed by the Governor to present to  
the Senate a communication in writing.

And he withdrew.

Mr. Thomas from the committee on Enrolled bills, reported:  
That on yesterday bills of the following titles were laid before the Council of Revision; viz:

“An act for the relief of the sheriff of Jackson county.”

“An act to change a part of the state road leading from Bloomington to Danville.”

“An act to locate a state road from Bloomington to Chicago.”

“An act for the benefit of John Groves.”

Mr. Thomas asked and obtained leave to introduce the petition of sundry citizens of this state, praying the passage of an act to incorporate the trustees of the McKendrean college. And,

On motion of Mr. Thomas,

The reading thereof was dispensed with; and the petition Referred to the committee on Petitions.

Mr. Ewing, asked and obtained leave to introduce the petition of sundry citizens of Marion county, praying the passage of a law changing a part of the road from Vandalia to Golconda; and,

On motion of Mr. Ewing,

The reading thereof was dispensed with, and the petition Referred to a select committee.

*Ordered* that Messrs. Ewing, Lane, and Whiteside be the committee.

Mr. Noel asked and obtained leave to introduce the petition of Melinda Martin, praying a divorce.

Which was read, and,

On motion of Mr. Noel,

Referred to a select committee.

*Ordered* that Messrs. Noel, Rattan, and Williamson, be the committee.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed by the House of Representatives to inform the Senate that they have passed bills of the following titles, viz.:

“An act to incorporate the Jacksonville Female Academy.”

“An act entitled an act authorizing the administrators of James Mason, deceased, to execute deeds in certain cases.”

“An act for the benefit of the infant heirs of James Mason, deceased.”

“An act to provide for building a toll bridge across the Little Calamic.”

“An act declaring Big Muddy a navigable stream.”

“An act to repeal so much of the laws as grants pre-emption rights to settlers on Seminary lands.”

“An act to change a part of the state road leading from Greenville to Vandalia.”

“An act supplemental to an act to incorporate such persons as may associate for the purpose of procuring and erecting public libraries in this state;” approved Jan. 31, 1823.

In the passage of which they ask the concurrence of the Senate.

They have concurred with the Senate in their amendment to the bill from the House of Representatives, entitled

“An act for the benefit of John Groves.”

They have concurred with the Senate in the passage of a bill entitled

“An act supplemental to an act to locate permanently the seat of justice of Alexander county;” approved January 18, 1833, as amended by them; in which amendment they ask the concurrence of the Senate.

They have reconsidered their vote taken on laying the bill from the Senate entitled “An act to incorporate the Mount Carbon Coal Company,” on the table until the fourth day of

July next; and have concurred with the Senate in the passage of said bill.

They have concurred with the Senate in the adoption of the preamble and resolution relative to a grant of land to the Cahokia and Prairie du Pont Commons.'

And he withdrew.

Mr. Thomas asked and obtained leave to introduce the petition of sundry citizens of Morgan and Sangamon counties, praying the establishment of a bank founded on a *specie capital, &c.*: which was read, and,

On motion of Mr. Mather,

Committed to a committee of the whole.

Mr. Thomas, from the committee on the Judiciary, to which was referred the bill from the House of Representatives, entitled

"An act to change the corporate powers of the town of Chicago;"

Reported the same back to the Senate without amendment; and,

On motion of Mr. Stephenson,

The bill was then referred to a select committee.

Ordered that Messrs. Stephenson, Taylor, and Jones, be the committee.

Mr. Snyder, from the select committee to which was referred the bill from the House of Representatives, entitled

"An act to amend an act entitled an act relating to the attorney general and states' attorneys;"

Reported the same back to the Senate with sundry amendments; which were read. Whereupon,

Mr. Mather moved to amend the first amendment proposed by the committee, by striking out the words "viva voce" and inserting, in lieu thereof, "joint vote."

Which was agreed to.

Mr. Williams moved to further amend the report of the committee, by striking out all of said bill after the enacting clause, and inserting, in lieu thereof, the following, viz.:

"That in all cases where vacancies now exist, or may hereafter occur, in the office of attorney general or states' attorneys of the several judicial circuits, an election to fill said offices shall be held by a joint vote of both branches of the Legislature at its present session, and at every regular session thereafter: And all laws giving to the Governor of this state the power of appointing states' attorney, except where va-

cancies may occur during the recess of the Legislature, be, and the same are hereby repealed.

Which amendment was agreed to.

Whereupon,

Mr. Hacker moved to lay the bill and amendment on the table until the 4th day of July next.

And the question being put on said motion, and the ayes and nays having been called for by Mr. Ewing and Mr. Noel;

It was decided in the affirmative.—Ayes 13.—Nays 12.

Those who voted in the affirmative, are,

Messrs. Davidson, Edwards, Gatewood, Hacker, Jones, Lane, Mather, Mills, Rattan, Thomas, Vance, Will, and Williamson.—13.

Those who voted in the negative, are,

Messrs. Bond, Craig, Ewing, McGahey, Maxwell, Mitchell, Noel, Snyder, Stephenson, Taylor, Whiteside, and Williamson.—12.

Mr. Rattan proposed for adoption the following resolution, viz.:

*Resolved by the Senate, (the House of Representatives concurring herein) That the present General Assembly shall adjourn, sine die, on Saturday the 7th of February next.*

Mr. Davidson moved to lay said resolution on the table;

And the ayes and nays having been called for by Mr. Rattan and Mr. Thomas, on said motion;

It was decided in the negative.—Ayes 12.—Nays 13.

Those who voted in the affirmative, are

Messrs. Davidson, Edwards, Ewing, Gatewood, Lane, Mills, Noel, Stephenson, Vance, Whiteside, Will, and Williamson.—12.

Those who voted in the negative, are

Messrs. Bond, Craig, Hacker, Jones, McGahey, Mather, Maxwell, Mitchell, Rattan, Snyder, Taylor, Thomas, and Williamson.—13.

Mr. Stephenson moved to lay the resolution on the table until the fourth day of July next.

The question was then put on laying the resolution the table until the fourth day of July next; and,

The ayes and nays having been called for by Mr. Rattan and Mr. Davidson;

It was decided in the negative.—Ayes 10.—Nays 15.

Those voting in the affirmative, are,

Messrs. Ewing, Gatewood, Lane, Maxwell, Mills, Mitchell, Stephenson, Taylor, Vance, and Whiteside.—10.

Those voting in the negative, are,

Messrs. Bond, Craig, Davidson, Edwards, Hacker, Jones, McGahey, Mather, Noel, Rattan, Snyder, Thomas, Will, Williams, and Williamson.—15.

Mr. Gatewood moved the adoption of the following, as an additional resolution, viz.:

*Resolved*, That after the 29th of the present month, January, there shall be no more new business introduced.

The question was then put on the adoption of said resolution; and the ayes and nays having been called for by Mr. McGahey and Mr. Rattan;

It was decided in the affirmative.—Ayes 18.—Nays 7.

Those who voted in the affirmative, are

Messrs. Bond, Craig, Davidson, Edwards, Gatewood, Hacker, Jones, Lane, McGahey, Mather, Mills, Noel, Rattan, Snyder, Thomas, Will, Williams, and Williamson.—18.

Those who voted in the negative, are

Messrs. Ewing, Maxwell, Mitchell, Stephenson, Taylor, Vance, and Whiteside.—7.

*Ordered* That the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Mr. Snyder,

*Resolved*, That a select committee be appointed to draft a preamble and resolutions requesting our Senators and representatives in Congress, to use their influence to procure the passage of a law granting 400 acres of land to those persons who were heads of families in Illinois between the years 1783 and 1803, the time of the cession, by treaty, of Louisiana to the United States.

*Ordered* that Messrs. Snyder, Bond, and Mills, be the committee.

Mr. Bond proposed for adoption the following resolution:

*Resolved*, That the standing hour of adjournment shall hereafter be nine o'clock, A. M.

Mr. Hacker moved to lay the resolution on the table.

Which was decided in the affirmative.

On motion of Mr. Ewing,

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of reporting a law amending the revenue laws requiring that all lands which may hereafter be offered for sale for the taxes due thereon be stricken off to the

state; and that said committee provide for the redemption of the same from the state, as in cases of individual purchases.

Mr. Maxwell, from the select committee to which was referred the bill from the House of Representatives entitled

“An act to lay out a state road from the Wabash to the Yellow Banks, on the Mississippi;”

Reported the same back to the Senate without amendment.

*Ordered*, that the bill be read the third time.

On motion of Mr. Williams,

The committee of the whole were discharged from the further consideration of the following bills, viz.:

“An act providing for the security of the school funds.”

“An act to amend an act entitled ‘An act to provide for the application of the interest of the fund arising from the sale of school lands belonging to the several townships in this state;’ approved March 1st, 1833; and,

“An act to provide for the distribution and application of the interest on the school, college, and seminary funds.”

Whereupon, said bills were

*Ordered* to be engrossed for a third reading.

The report of the committee of the whole in their amendments to the bill from the House of Representatives entitled

“An act concerning public roads;”

Was then concurred in.

*Ordered* that the bill as amended be read the third time.

On motion of Mr. Thomas,

The engrossed bill entitled

“An act further defining the powers and duties of trustees of incorporated towns;” which was heretofore laid on the table,

Was taken up, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein

The bills from the House of Representatives, entitled

“An act to authorize the county court of Montgomery county to change a certain state road therein named;” and

“An act to amend an act relative to the improvement of the Great Wabash river;” approved February 12, 1833;”

Were severally read the first time, and

*Ordered* to a second reading.

On motion of Mr. McGahey,

The bill from the House of Representatives, entitled

"An act to change a part of the state road from Vincennes to Chicago as lies in Crawford County;"

Was read the third time, by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Rattan moved to reconsider the vote this day taken on laying on the table until the fourth day of July next, the bill from the House of Representatives, entitled

"An act to amend an act entitled 'An act relating to the attorney general and states' attorneys;" and the amendment thereto.

Whereupon,  
On motion,

The Senate adjourned until 2 o'clock.

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2 o'clock, P. M.

Senate met pursuant to adjournment:

The bill from the House of Representatives, entitled

"An act in relation to the money heretofore appropriated to the county of Randolph out of the avails arising from the sale of the Gallatin Saline lands to internal improvements;" approved Feb. 16, 1831;"

Was read the first time; and

*Ordered* to a second reading.

On motion of Mr. Mather,

The rules of the Senate were dispensed with, and the bill Read the second time by its title; and

Referred to a select committee.

*Ordered* that Messrs. Mather, Williams, and Edwards be the committee.

The bill from the House of Representatives, entitled

"An act changing an appropriation heretofore made to the county commissioners' court of Vermillion county, to the county commissioners' court of Champaign county;"

Was read the first time: and

*Ordered* to a second reading.

On motion of Mr. Ewing,

The preamble and resolution from the House of Represen-

tatives instructing our Senators and requesting our Representatives to oppose the claims of Michigan to any portion of territory within the constitutional limits of the state;"

Was laid on the table.

The bill from the House of Representatives, entitled

"An act authorizing the administrators of James Mason, deceased, to execute deeds in certain cases;"

Was read the first time; and.

*Ordered* to a second reading.

On motion of Mr. Gatewood,

The rules of the Senate were dispensed with, and the bill read a second time by its title; and

*Ordered* to a third reading.

On the further motion of Mr. Gatewood,

The rules of the Senate were further dispensed with, and the bill

Read the third time by its title; and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed by the House of Representatives to inform the Senate that they have passed bills of the following titles, viz.:

"An act establishing a state road."

"An act to amend an act entitled an act to regulate the Penitentiary;" approved Feb. 19, 1833.

"An act to authorize Amelia Hotchkiss to sell or exchange a certain tract of land."

"An act to authorize Benjamin Howland and Henry L. Brush to build a mill dam across Fox river;" and,

"An act to provide for the enclosure of salt petre caves in this state."

In the passage of which they ask the concurrence of the Senate.

They have also concurred with the Senate in the passage of a bill entitled

"An act to vacate the survey and plat of the town of Venus, in Hancock county."

And he withdrew.

The bill from the House of Representatives, entitled

"An act for the benefit of the infant heirs of James Mason, deceased;"

Was read the first time; and  
*Ordered* to a second reading.

On motion of Mr. Rattan,

The rules of the Senate were dispensed with, and the bill  
 Read the second time by its title; and  
*Ordered* to a third reading.

Mr. Maxwell moved further to dispense with the rules of  
 the Senate, and that the bill be read the third time by its title.

Which was not agreed to.

Mr. Rattan renewed the motion to reconsider the vote this  
 day taken on laying on the table until the fourth day of July  
 next, the bill from the House of Representatives, entitled

"An act to amend an act entitled 'An act relating to the at-  
 torney general and states' attorneys;" and the amendment  
 thereto.

Which was decided in the affirmative.—Ayes 13.—Nays 12.

The ayes and nays having been called for by Messrs. Hack-  
 er and Lane.

Those who voted in the affirmative, are

Messrs. Bond, Craig, Ewing, McGahey, Maxwell, Mitchell,  
 Noel, Rattan, Snyder, Stephenson, Taylor, Whiteside, and  
 Williamson.—13.

Those voting in the negative, are

Messrs. Davidson, Edwards, Gatewood, Hacker, Jones,  
 Lane, Mather, Mills, Thomas, Vance, Will, and Williams.—12.

The question was then put on laying the bill and amend-  
 ment on the table until the fourth day of July next;

And the ayes and nays having been called for by Messrs.  
 Noel and Williamson;

It was decided in the negative.—Ayes 12.—Nays 13.

Those who voted in the affirmative, are

Messrs. Davidson, Edwards, Gatewood, Hacker, Jones,  
 Lane, Mather, Mills, Thomas, Vance, Will, and Williams.—12.

Those who voted in the negative, are

Messrs. Bond, Craig, Ewing, McGahey, Maxwell, Mitchell,  
 Noel, Rattan, Snyder, Stephenson, Taylor, Whiteside, and  
 Williamson.—13.

Mr. Williamson then moved to reconsider the vote taken  
 on concurring in the amendment of Mr. Williams to the report  
 of the select committee on said bill. Whereupon,

The question was put on so reconsidering;

The ayes and nays having been called for by Mr. McGahey  
 and Mr. Williamson;

It was decided in the affirmative.—Ayes 13.—Nays 12.

Those voting in the affirmative, are,

Messrs. Bond, Craig, Ewing, McGahey, Maxwell, Mitchell, Noel, Rattan, Snyder, Stephenson, Taylor, Whiteside, and Williamson.—13.

Those who voted in the negative, are,

Messrs. Davidson, Edwards, Gatewood, Hacker, Jones, Lane, Mather, Mills, Thomas, Vance, Will, and Williams.—12.

The question was then put on concurring in the amendment proposed by Mr. Williams to the report of the select committee:

And the ayes and nays having been called for by Messrs. Gatewood and Williamson:

It was decided in the negative.—Ayes 12.—Nays 13.

Those who voted in the affirmative, are,

Messrs. Davidson, Edwards, Gatewood, Hacker, Jones, Lane, Mather, Mills, Thomas, Vance, Will, and Williams.—12.

Those who voted in the negative, are

Messrs. Bond, Craig, Ewing, McGahey, Maxwell, Mitchell, Noel, Rattan, Snyder, Stephenson, Taylor, Whiteside, and Williamson. 13.

The report of the select committee on said bill being then before the Senate, for concurrence, and

A division of the question having been called for,

The question was first put on concurring with the said committee in their first amendment to said bill as amended by Mr. Mather:

And the ayes and nays having been called for by Messrs. Hacker and Vance;

It was decided in the affirmative.—Ayes 23.—Nays 2.

Those who voted in the affirmative, are

Messrs. Bond, Craig, Davidson, Edwards, Ewing, Hacker, Jones, Lane, McGahey, Maxwell, Mills, Mitchell, Noel, Rattan, Snyder, Stephenson, Taylor, Thomas, Vance, Whiteside, Will, Williams, and Williamson.—23.

Those voting in the negative, are,

Messrs. Gatewood, and Mather.—2.

The other amendments proposed by the select committee to said bill

Were then also concurred in.

Mr. Hacker moved that the Senate adjourn.

Which was not agreed to.

Mr. Ewing moved the previous question, and,

On the question, Shall the main question be now put?

It was decided in the affirmative.

The question was then put? Shall the bill, as amended, pass?

And the ayes and nays having been called for by Messrs.

Noel and Maxwell;

It was decided in the affirmative.—Ayes 14.—Nays 10.

Those who voted in the affirmative, are

Messrs. Bond, Craig, Ewing, Hacker, McGahey, Maxwell, Mitchell, Noel, Rattan, Snyder, Stephenson, Taylor, Whiteside, and Williamson.—14.

Those who voted in the negative, are

Messrs. Davidson, Edwards, Jones, Lane, Mather, Mills, Thomas, Vance, Will, and Williams.—10.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion,

The Senate then adjourned.

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WEDNESDAY, January, 21, 1835.

Senate met pursuant to adjournment;

Mr. Mitchell asked and obtained leave to introduce the petitions of sundry citizens of Tazewell county, praying the Legislature to pass a law requiring the courts of justice of said county to be removed to the town of McKinaw; and also praying that commissioners may be appointed to locate the seat of justice of said county; and,

On motion of Mr. Mitchell,

The reading thereof was dispensed with; and the petition Referred to the committee on Petitions.

Mr. Vance, from the select committee to which was referred the petition of sundry citizens of McLean and Champaigne counties, praying the re-location of a certain state road, reported a bill entitled

“An act to lay out a road from Moses Thomas’, in Cham-

paigne county, to Bloomington, in McLean county;" which was read the first time; and

*Ordered* to a second reading.

Mr. Mitchell, from the select committee to which was referred the petitions of sundry citizens of Tazewell county, in relation to certain 16th sections in said county, reported a bill entitled

"An act concerning the sale of certain school lands in the county of Tazewell;"

Which was read the first time; and

*Ordered* to a second reading.

On motion of Mr. Snyder,

*Resolved by the Senate*, (the House of Representatives concurring herein) That the Governor be requested to forward to our Senators and Representatives in Congress, copies of all such resolutions and memorials as may be adopted and passed by the present General Assembly, addressed to that body.

Mr. McGahey proposed for adoption the following resolution, viz.:

*Resolved*, That this General Assembly believe the constitution makes it the duty of a Governor, when elected and qualified into office, to nominate unto the Senate for their confirmation, a suitable person for Secretary of State;" and,

On motion of Mr. McGahey,

The said resolution was laid on the table.

The vote taken on Monday last on ordering to a third reading the bill entitled

"An act to extend for a limited time the charter of the Bank of Illinois at Shawneetown;"

Was re-considered. Whereupon,

The said bill was laid on the table.

Mr. Maher asked and obtained leave to introduce a bill entitled

"An act to extend for a limited time the charter of the Bank of Kaskaskia;"

Which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Ewing,

The rules of the Senate were dispensed with, and the bill read a second time by its title; and,

On motion of Mr. Maher,

Laid on the table.

Mr. Stephenson gave notice, that on to-morrow he would

move that the Senate resolve itself into a committee of the whole on the bill entitled

“An act for the construction of the Illinois and Michigan canal.”

The bill from the House of Representatives, entitled  
“An act to provide for building a toll bridge across the Little Calamic;”

Was read the first time.

*Ordered* to a second reading.

On motion of Mr. Stephenson,

The rules of the Senate were dispensed with, and the bill Read the second time by its title; and

Referred to a select committee.

*Ordered* that Messrs. Stephenson, Mitchell, and Vance, be the committee.

The bill from the House of Representatives, entitled  
“An act declaring Big Muddy a navigable stream;”

Was read the first time; and,

*Ordered* to a second reading.

A message from the Council of Revision, by William H. Brown, their clerk.

MR. SPEAKER:—The Council of Revision have approved bills of the following titles:

“An act for the relief of the sheriff of Jackson county.”

“An act to change a part of the state road leading from Bloomington to Danville.”

“An act to locate a state road from Bloomington to Chicago.”

“An act for the benefit of John Groves.”

And he withdrew.

The bill from the House of Representatives, entitled

“An act to repeal so much of the laws as grants pre-emption rights to settlers on Seminary lands;”

Was read the first time; and

*Ordered* to a second reading.

On motion of Mr. Thomas,

The rules of the Senate were dispensed with and the bill

Read the second time, by its title, and

Referred to the committee on Seminary, School lands, and Education.

The bill from the House of Representatives, entitled

“An act to change a part of the state road leading from Greenville to Vandalia;”

Was read the first time; and  
*Ordered* to a second reading.

On motion of Mr. Thomas,

The rules of the Senate were dispensed with, and the bill  
 Read a second time by its title; and  
*Ordered* to a third reading.

The bill from the House of Representatives, entitled  
 "An act supplemental to an act to incorporate such per-  
 sons as may associate for the purpose of procuring and erect-  
 ing public libraries in this state;" approved Jan. 31, 1823;

Was read the first time; and

*Ordered* to a second reading.

Mr. Speaker laid before the Senate the following communica-  
 tion from Mr. Mills, agent of the St. Clair Steam Ferry  
 Company, viz.:

TO THE HON. SPEAKER OF THE SENATE,  
 OF THE STATE OF ILLINOIS:

SIR:—Please to have the enclosed proposition read by your  
 Secretary, to the honorable body over which you preside;  
 and oblige

Your ob't. Serv't.

A. L. MILLS, Agent  
*Of the St. Clair Steam Ferry Company.*

The enclosed proposition was then read; and,

On motion of Mr. Snyder,

Referred to the same select committee to whom was refer-  
 red the petition of sundry citizens of St. Clair county in relation  
 to said ferry.

Mr. Speaker laid before the Senate the following communica-  
 tion from the treasurer of State, viz.:

STATE OF ILLINOIS, TREASURER'S OFFICE,  
 VANDALIA, 16th JANUARY, 1835.

SIR:—In pursuance of the several laws passed at the last  
 session of the General Assembly, relative to the State Bank  
 of Illinois, requiring the treasurer, acting as Cashier of said  
 bank, to report all information to be obtained in relation to its  
 transactions, the Treasurer reports:

That as soon after the close of the session of the General  
 Assembly, as was practicable, he commenced his duties under  
 said act, and proceeded to examine the books of the principal  
 Bank and Branches returned to this office in pursuance of law.

The examination and results are not as satisfactory as could be wished—and it is owing to the loose manner in which some of the books have been kept. The Branch at Shawneetown, for example, continued in operation during the whole period of the term of office of the first Cashier, a period of nearly six years, without opening any accounts against the debtors of that Branch, or any other accounts to shew its operations. The entries upon the discount book of that Branch, are the only ones to which I have had recourse in the settlement of its accounts. What amount it may have paid for its general expenses, or how much it is entitled to credit for the two per cent. interest accruing on bills, I am unable, from the books, to determine: and the amount of cash received for discounts, which is a charge against the Bank, is a matter of much uncertainty. The late cashier of that Branch, Mr. Posey, appears, from entries in the books, to have attempted to reduce to some system, the business of the Branch, running through several years. He appears, afterwards, to have abandoned the attempt as impracticable, and opened his books with a view to show only the transaction of its business after his entrance into office as Cashier.

The books of the principal Bank also presented difficulties to this department: they have not been posted, and the want of a portion of the journal of the Bank, which does not appear among the books returned to my office. It is believed, however, from a former examination made of the affairs of the principal Bank, as a Loan Office, and from documents belonging to this office, that its accounts are now correctly stated. By the statement marked A, showing the situation of the State Bank, as exhibited by the books, it will appear that the real capital of the bank was \$299,910 88. Of this amount it would further appear from the books, that \$183,424 99 has been returned. And this would be the true amount, had the sum been duly applied by the receiving officers. From the statement referred to, it will be seen that the whole amount of discounts received at the principal Bank and Branches, amounts to \$59,059 21, while the general expense of the Bank, including Branches, amounts to \$57,362 26, showing a small gain to the Bank, in the amount made by it, and the amount of money expended in conducting its affairs. This small amount will, however, be greatly overbalanced, when, to the amount allowed for the two per cent. interest on the bills of the Bank, is added the amount authorized to be discounted upon prompt

payment, under the act of 1829, the amount allowed for propmt payment, the loss accruing on the sale of real estate after its purchase by the Bank upon sales under its mortgages, and the several smaller losses sustained by the Bank and Branches, particularly enumerated in their several accounts of loss and gain. Your honorable body will at once perceive, from this statement, that should all the debts outstanding and due this institution have been promptly paid and in accordance with the original provisions of its charter, without, in the least degree, the interference of Legislative action, a loss of some few thousands of dollars would necessarily have accrued to the State.

The statement marked B, shows the *real* situation of the Bank, compared with the principal upon which it commenced its operation. The State furnished this amount of capital, and for which it became liable to the holders of the bills of the institution. It has received back from its debtors, not the amount of \$183,424 99 as appears from the books, and for which the branches have credit, but the sum of \$162,236 63, the sum actually accounted for by former Cashiers, and burned as required by law. In addition to this amount, it has (in notes due by the original debtors of the Bank, and liabilities of former Cashiers, including the amount of real estate yet unsold or unpaid for, the Banking-house in the town of Vandalia, and a small sum received by me before 3d December, 1832,) the sum of \$118,523—showing a loss to the institution, admitting the amounts charged against the several officers of the Bank to be correct, and to be eventually paid, of \$19,061 25 cents.

In relation to the amounts found due by the late officers of the Bank and whose names appear in the paper now under consideration,, it is proper to say, that two of them, at least, and perhaps the others, claim allowances, which the Board of Directors of the principal Bank have virtually decided to be incorrect; and that in these two instances, recourse has been had to the courts of the country—the cases are still undecided.

The amount charged against the late Treasurer, will be reduced by the sales of his property, the amount of which is unknown, the Commissioners under the act having as yet made no report of said sales.

By the statement marked C, your honorable body will learn the transactions of the principal Bank as a Loan Office, dis-

connected from its relations to its Branches. Statements marked D, E, F, G, will also show the transactions of the Branches at Shawneetown, Brownsville, Palmyra and Edwardsville.

The state of the Bank, as above exhibited, is brought down to the 3d December, 1832, when, by law, the books of the institution were deposited in this office.

Having, by the examination given the books and investigating the accounts, learned as well the names of the debtors, as the agents in whose hands notes and mortgages had been placed for collection, all the authority vested in me, by law, has been exercised to bring the complicated affairs of the Bank to a speedy close. To enable the Department to make a satisfactory report, as contemplated by the 10th section of the act of February, 1833, a correspondence was opened with the Attorney General and Circuit Attorneys, from whom no positive information, as to the eventual loss, except in one instance has been obtained. The Treasurer is, therefore, unable to lay before your honorable body, much information on this subject.

Since the 3d December, 1833, there has been received into this Department the sum of \$9395 95 from the debtors of the Bank—thereby reducing the amount of outstanding debts, and the amount of real estate remaining unsold, to \$109,127 05.

Of this last amount, taking into view the period of time elapsed from the creation of the debt, the death of some and the subsequent insolvency of other debtors of the Bank, as well as the late decision of the Supreme Court, this Department would not be authorised in an estimate of more than 7 or \$8000 of eventual collections.

The amount of the paper of the institution which, from documents, appears to have been burned by my predecessors, is \$184,378. The amount burned since, is \$109,067 50—leaving a balance of \$6554 50, to be redeemed at the Treasury—supposing the whole capital of the Bank \$300,000, and that no bills of the institution have been lost or destroyed.

All which is respectfully submitted.

I have the honor to be, sir,

Very respectfully,

Your most obedient servant,

JOHN DEMENT, *Treasurer.*

The Hon. ALEXANDER M. JENKINS, *Speaker of the Senate.*

## A

*Showing the situation of the State Bank of Illinois, as it appears from the Books on the 3d day of December, 1832.*

## STATE BANK OF ILLINOIS.

	DR.
To Capital - - - - -	\$299,910 88
" Amount of discounts received, - - - - -	59,059 21
" Balance, - - - - -	18,550 39
	<hr/>
	\$377,520 48

## CONTRA.

	CR.
By amount received principal bank, - - - - -	\$183,424 99
" Expenses of Bank and Branches, - - - - -	57,302 26
" Of notes &c. due the Bank, - - - - -	79,510 34
" Allowed for 2 per cent interest, - - - - -	5,403 23
" Of discounts under act of 1829, - - - - -	1,380 04
" Allowed for prompt payment, - - - - -	2,140 00
" Due by late Cashier, - - - - -	27,439 21
" Real estate remaining unsold and suspended int. 5,129 26	
" Loss on sale of real estate, - - - - -	4,689 50
" Appropriations paid at Shawneetown Branch	832 50
" Profit and loss account of Brownsville Branch, including discounts under act of 1829, and loss on real estate, &c.	3,764 96
" Banking-house at Vandalia, (cost) - - - - -	6,305 62
Cash received of John Dement previous to 3d December, 1832 - - - - -	138 57
	<hr/>
	\$377,520 48

## B

*Showing the real situation of the State Bank on the 3d December 1832.*

## STATE BANK OF ILLINOIS,

	DR.
To capital - - - - -	\$299,910 88
	<hr/>
	\$299,910 88

## CONTRA.

	CR.
By amount of capital actually returned, - - - - -	\$162,326 63

By amount of Notes due the Bank, -	-	-	-	79,510	34
" Due by James M. Duncan,	-	-	-	11,315	82
" " James Hall,	-	-	-	8,601	21
" " James Kelly,	-	-	-	956	50
" " E. B. W. Jones,	-	-	-	4,437	56
" " T. W. Smith,	-	-	-	2,128	16
" Real estate remaining unsold, & suspended int.	-	-	5,129	26	
" Banking house at Vandalia, (cost)	-	-	6,305	62	
" Cash received by J. Dement previous 3d Dec. 1832,	138	57			
" Loss to balance,	-	-	-	19,061	25
				\$299,910	88

## C

*The principal Bank as a Loan Office in account current with the State Bank of Illinois, December 3d, 1832.*

	DR.
To amount of capital retained,	\$35,610 00
" Discounts received by J. Kelly, \$2,713 08	
" do supposed to have been received by J. M. Duncan, 2,640 05 =	5,353 13
" Due J. Kelly on account of loans made at principal Bank, -	2,985 40
	<u>\$43,898 53</u>

	CR.
By cash paid for Banking-house,	\$6,305 62
" Expense account, -	16,440 51
" Discounts allowed under act of 1829, -	135 04
" Notes returned, -	7,896 80
" Balance by J. Hall, -	1,217 80
" do J. M. Duncan, -	11,315 82
" Real estate unsold, -	448 33
" Amount received by J. Dement previous to Dec. 3, 1832, -	138 57
	<u>\$43,898 52</u>

## D

*Branch Bank at Shawneetown in account with State Bank of Illinois,  
December 3d, 1832.*

	DR.
To amount of capital,	\$84,685 00
" Discounts received,	17,976 79
" Amount of interest deducted for prompt payment, 1,987 00	
	<hr/>
	\$104,648 79

	CR.
By cash paid principal Bank,	\$44,754 17
" Amount notes in Attorneys' hands,	35,992 98
" Expēnse account,	10,643 56
" Appropriations to J.M. Whiteside & J. L. Posey,	832 50
" Amount allowed 2 per cent,	482 42
" Discounts under act 1829,	667 31
" Interest deducted for prompt payment,	1,987 00
" Amount due by E. B. W. Jones,	4,437 55
" Loss on sale of real estate,	2,886 50
" Real estate on hand and interest suspended on notes in Attorneys' hands,	1,964 75
	<hr/>
	\$104,648 79

## E

*Branch Bank at Brownsville in account with State Bank of Illinois,  
December 3d, 1832.*

	DR.
To amount of capital,	\$48,834 00
" Discounts received,	8,435 77
	<hr/>
	\$57,269 77

	CR.
By amount paid principal Bank,	\$29,124 96
" Of notes in officers hands for collection,	7,686 57
" Profit and loss account,	3,764 96
" Loss on sale of real estate,	1,803 00
" Real estate on hand,	2,085 16

" Amount sale real estate,	-	-	-	-	1,482 48
" Interest paid 2 per cent,	-	-	-	-	1,278 53
" Expense account,	-	-	-	-	10,044 11
					\$57,269 77

## F

*Branch Bank at Palmyra in account with State Bank of Illinois, December 3d, 1832.*

	DR.
To amount of capital,	\$47,265 02
" Discounts received,	7,739 52
	<hr/> \$55,004 54

	CR.
By amount 2 per cent allowed,	\$1,127 85
" Expense account,	8,200 00
" Discount under act of 1829,	412 06
" Notes in Attorneys' hands for collection,	3,387 16
" Cash paid at principal Bank,	41,859 88
" Cash to balance,	17 59
	<hr/> \$55,004 54

## G

*Branch Bank at Edwardsville in account with State Bank of Illinois, December 3d, 1832.*

	DR.
To amount of capital,	\$83,516 86
" Discounts received,	19,554 00
" Suspended interest,	104 31
" Amount of gain on real estate,	150 67
" Standing to the credit of individuals on books of Bank,	5,240 66
" Balance,	7 71
	<hr/> \$108,574 35

	CR.
By cash paid principal Bank,	\$67,785 98
" Notes in officers hands for collection,	22,523 32

"	do returned by the Cashier,	-	-	570 00
"	Amount of suspense account,	-	-	18 76
"	Bonds for real estate,	-	-	166 67
"	Amount of real estate remaining unsold,	-	-	612 01
"	Due by individuals in small balances,	-	-	2 14
"	Discount under law of 1829,	-	-	318 63
"	Commission to Attorneys,	-	-	502 46
"	Amount cost paid on suits of Bank,	-	-	814 55
"	Expense account,	-	-	10,717 07
"	Interest allowed 2 per cent.,	-	-	2,514 43
"	Amount due from T. W. Smith,	-	-	2,128 13
				\$108,574 35

JOHN DEMEMT, *Treasurer.*

Which was read; and,

On motion of Mr. Mather,

Laid on the table and 500 copies ordered to be printed.

The bill from the House of Representatives, entitled

"An act establishing a state road,"

Was read the first time.

*Ordered* to a second reading.

On motion of Mr. Vance,

The rules of the Senate were dispensed with, and the bill,

Read the second time by its title; and

*Ordered* to a third reading.

Mr. Speaker announced that the communication received from the Governor on yesterday, and the one received some days previous, were on Executive business.

Whereupon,

The doors were closed, and

On opening the doors,

The bills from the House of Representatives, entitled

"An act to amend an act entitled an act to regulate the Penitentiary;" approved Feb. 19, 1833; and,

"An act to provide for the enclosure of salt petre caves in this state,"

Were severally read the first time, and

*Ordered* to a second reading.

The bill from the House of Representatives, entitled

"An act to authorize Benjamin Howland and Henry L. Brush to build a mill dam across Fox river;"

Was read the first time; and

*Ordered* to a second reading.

On motion of Mr. Stephenson,  
 The rules of the Senate were dispensed with, and the bill  
 Read the second time by its title; and  
 On motion of Mr. Thomas,  
 Referred to the committee on Internal Improvements.  
 The bill from the House of Representatives, entitled  
 "An act to authorize Aurelia Hotchkiss to sell or exchange  
 a certain tract of land."

Was read the first time; and  
*Ordered* to a second reading.

The bill from the House of Representatives, entitled  
 "An act to incorporate the Jacksonville Female Academy,"  
 Was read the first time; and,  
*Ordered* to a second reading.

Mr. Thomas moved that the rules of the Senate be dispensed with, and that the bill be read the second time by its title.

Mr. Maxwell moved to lay the bill on the table until the 4th day of July next.

And the question being put on said motion,

And the yeas and nays having been called for by Messrs. Maxwell and Noel:

It was decided in the negative.—Ayes 8.—Nays 14.

Those who voted in the affirmative, are,

Messrs. Craig, Lane, Maxwell, Mitchell, Noel, Snyder, Stephenson, and Taylor.—8.

Those who voted in the negative, are

Messrs. Bond, Davidson, Edwards, Ewing, Gatewood, Hacker, Jones, Mather, Mills, Thomas, Vance, Will, Williams and Williamson.—14.

The question then recurring on ordering the bill to a third reading:

It was decided in the affirmative.

On motion,

The Senate then adjourned.

THURSDAY, January, 22, 1835.

Senate met pursuant to adjournment;  
 Mr. Ewing from the committee on the Judiciary, to whom  
 was referred

The bill from the House of Representatives, entitled  
“An act to incorporate Mount Carmel, in Wabash county;”

Reported the same back to the Senate with sundry amendments; which were read and concurred in.

Mr. Gatewood moved the indefinite postponement of the bill.

And the ayes and nays having been called for by Messrs. Mills and Thomas;

It was decided in the negative.—Ayes 20.—Nays 4.

Those who voted in the affirmative, are

Messrs. Gatewood, Hacker, Lane, and Noel.—4.

Those who voted in the negative, are

Messrs. Bond, Craig, Davidson, Edwards, Ewing, Forquer, Jones, McGahey, Mather, Maxwell, Mills, Mitchell, Rattan, Stephenson, Thomas, Vance, Whiteside, Will, Williams, and Williamson.—20.

*Ordered* that the bill be read a third time.

On motion of Mr. Ewing,

The rules of the Senate were dispensed with, and the bill Read the third time by its title; and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have passed a bill of the following title, viz.:

“An act to authorize a special term of the circuit court in the county of Fayette.”

In the passage of which they ask the concurrence of the Senate.

They have concurred with the Senate in the adoption of the resolution fixing on the 7th proximo as the time for the present General Assembly to adjourn, *sine die*; and also, that no new business shall be received after the 29th instant.”

And he withdrew. Whereupon,

The bill from the House of Representatives, entitled

“An act to authorize a special term of the circuit court in the county of Fayette;”

Was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Ewing,

The rules of the Senate were dispensed with, and the bill read a second time by its title.

On motion of Mr. Ewing,

The bill was amended by striking out the words "Monday the 26th," and inserting in lieu thereof the words "Wednesday the 28th."

On motion of Mr. Snyder,

The said bill was laid on the table.

Mr. Stephenson asked and obtained leave to introduce a bill entitled

"An act for the relief of Cook county;"

Which was read the first time; and

*Ordered* to a second reading.

Mr. Davidson, from the committee on Elections, to which was referred a resolution directing them to inquire into the expediency of authorizing the county commissioners' courts of this state to create as many election precincts in their respective counties as may be necessary for the purpose of receiving all the votes at any election, reported back to the Senate a bill from the House of Representatives entitled,

"An act to amend an act regulating elections;"

The said bill, as amended by them being expressive, and containing the sense of the committee upon the subject contained in the resolution first recited.

The amendments proposed by the committee to said bill were then read and concurred in.

*Ordered*, that the bill be read the third time.

Mr. Davidson, from the same committee, to which was referred the bills entitled

"An act to establish additional election precincts in the county of Morgan;" and,

The bill from the House of Representatives, entitled

"An act to increase the number of election precincts in the counties of Morgan and Madison;"

Reported the same back to the Senate without amendment.

Whereupon,

On motion of Mr. Thomas,

The said bills were laid on the table.

The bill from the House of Representatives, entitled

"An act for the benefit of the infant heirs of James Mason, deceased;"

Was read the third time, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that

the Secretary inform the House of Representatives thereof.

Mr. Maxwell asked and obtained leave to introduce a bill entitled

"An act to amend an act entitled an act to amend an act entitled an act to provide for the election of justices of the peace and constables;" approved Jan. 7, 1835,

Which was read the first time; and

*Ordered* to a second reading.

On motion of Mr. Edwards,

*Resolved by the Senate and House of Representatives*, That a joint select committee of two from the Senate and three from the House of Representatives be appointed to digest and publish, in pamphlet form, the present school laws, with such amendments as the present Legislature may engraft thereon, to be distributed among the several school districts in this state.

*Ordered* that Messrs. Edwards and Thomas be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Noel, from the select committee to which was referred the petition of Melinda Martin, praying a divorce, &c. reported:

That it appears to the satisfaction of your committee, that the said Melinda Martin was married to John Martin in the year 1829, and continued to reside with him until some time in the year 1834, when the said John Martin abandoned her, and their children, and publicly declared his unalterable determination never to return to them, or to render them any support or maintenance whatever. It clearly appears in evidence, that he did so without any charge of misconduct against his said wife, which he publicly admitted; and has actually gone away to parts unknown to his said wife or the witnesses, whom your committee deem to be respectable and reputable persons. Your committee further report; that upon an examination of the existing laws, the petitioner could not be relieved by any decree of the court, unless the abandonment should be made to appear to be of at least two years standing. They therefore consider that such an application to a court would be unavailable to the petitioner, who seems to be in a helpless condition with her family, and they respectfully report a bill for her relief, entitled

"An act to divorce Melinda Martin from the bands of matrimony,"

Which was read the first time, and  
*Ordered* to a second reading.

On motion of Mr. Snyder,

The bill from the House of Representatives entitled

“An act to authorize a special term of the Circuit Court in the county of Fayette,” which was this day laid on the table, was taken up, and,

On the further motion of Mr. Snyder,

Amended, by striking out all after the word “charged” in the first section, and inserting in lieu thereof the words “crime of murder or manslaughter.”

*Ordered* that the bill, as amended, be read the third time.

The bill from the House of Representatives entitled

“An act to amend an act regulating enclosures,”

Was read a third time, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The engrossed bill entitled

“An act for the relief of the securities of Thomas Moore,”

Was read the third time, and passed.

On motion,

The title of said bill was amended by adding thereto the words “and others.”

*Ordered* that the title of the bill be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bills from the House of Representatives, entitled

“An act to change part of the state road leading from Macomb to Havana,” and

“An act to change a part of the state road leading from Hillsboro’ to Shelbyville,”

Were severally read the third time and passed.

*Ordered* that the titles of the bills be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Mather,

The bill from the House of Representatives, entitled

“An act to incorporate the town of Lawrenceville,”

Was read the third time, by its title, and,

On motion of Mr. McGahey,

Laid on the table.

The bills from the House of Representatives entitled

“An act for the benefit of the clerk of the circuit and county commissioners’ courts of La Salle county,” and

"An act further to amend an act to authorize James Nabbs to build a toll bridge across the Embarrass river,"

Were severally read the third time, by their titles, and passed.

*Ordered*, That the titles of the bills be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled

"An act to provide for the election of county recorders and surveyors," was read the third time.

Mr. Williamson moved to amend said bill by striking out so much of said bill as relates to "county recorders." Whereupon,

On motion of Mr. Taylor,

The bill and proposed amendment, were laid on the table.

On motion of Mr. Thomas,

The rules of the Senate were dispensed with. and the bill from the House of Representatives, entitled

"An act to authorize a special term of the circuit court in the county of Fayette," was read the third time by its title; and,

On motion of Mr. Ewing,

Further amended by adding to the first section the following proviso, viz.:

*Provided*, That if the said John Robb shall be indicted for murder, the said court shall have power, if he shall desire the same, to try the said John Robb upon such indictment for murder; and if upon such trial for murder the said John Robb shall be found guilty of manslaughter, or other less offence, the court shall have power to pronounce judgment upon the verdict of the jury, as though the said John Robb had been tried at a regular term of the court, upon an indictment for the offence of which the said John Robb may be found guilty."

The bill, as amended, was then passed.

*Ordered* that the title of the bill be as aforesaid, that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Stephenson,

The bill from the House of Representatives entitled

"An act to provide for the election of county recorders and surveyors," which was this day laid on the table, was taken up, and,

The question being put on the motion of Mr. Williamson to strike out so much of said bill as relates to county recorders;

And the ayes and nays having been called for by Messrs. Noel and Ewing;

It was decided in the negative.—Ayes 11.—Nays 15.

Those who voted in the affirmative, are

Messrs. Davidson, Gatewood, Jones, Lane, Mather, Mills, Thomas, Vance, Whiteside, Williams, and Williamson.—11.

Those voting in the negative, are,

Messrs. Bond, Craig, Edwards, Ewing, Forquer, Hacker, McGahey, Maxwell, Mitchell, Noel, Rattan, Snyder, Stephenson, Taylor, and Will.—15.

Mr. Hacker moved to strike out all the amendments to said bill;

Which was not agreed to.

The question was then put,

Shall the bill as amended pass?

And the ayes and nays having been called for by Messrs. Hacker and Noel;

It was decided in the negative.—Ayes 13.—Nays 14.

Those voting in the affirmative, are,

Messrs. Bond, Craig, Edwards, Ewing, Forquer, McGahey, Maxwell, Mitchell, Noel, Rattan, Snyder, Stephenson and Taylor.—13.

Those who voted in the negative, are,

Messrs. Davidson, Gatewood, Hacker, Jones, Lane, Mather, Mills, Thomas, Vance, Whiteside, Will, Williams, Williamson and Mr. Speaker who gave the casting vote.—14.

On motion,

The Senate adjourned until 2 o'clock.

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2 o'clock, P. M.

Senate met pursuant to adjournment:

On motion of Mr. Will,

The vote this day taken on the passage of the bill from the House of Representatives, entitled

“An act, to provide for the election of County Recorders and Surveyors,”

Was re-considered.

Mr. Mather moved to lay the bill on the table;

Which was not agreed to.

Mr. Stephenson moved to commit the bill to a committee for the Whole.

Which was also not agreed to.

Wehreupen,

Mr. Snyder moved to re-consider the vote taken on concurring in the amendments of the select committee to said bill; and

The question being put on so re-considering,

And the ayes and nays having been called for by Messrs. Snyder and Vance;

It was decided in the affirmative.—Ayes 14.—Nays 13.

Those who voted in the affirmative, are

Messrs. Bond, Craig, Ewing, Hacker, McGahey, Maxwell, Mitchell, Noel, Rattan, Snyder, Stephenson, Taylor, Whiteside, and Mr. Speaker who gave the casting vote.—14.

Those who voted in the negative, are

Messrs. Davidson, Edwards, Forquer, Gatewood, Jones, Lane, Mather, Mills, Thomas, Vance, Will, Williams and Williamson.—13.

The question was then put on concurring with the select committee in their amendments to the bill;

And the ayes and nays having been called for by Messrs. McGahey and Noel:

It was decided in the negative.—Ayes 12.—Nays 14.

Those who voted in the affirmative, are

Messrs. Davidson, Edwards, Forquer, Gatewood, Jones, Mather, Mills, Thomas, Vance, Will, Williams and Williamson.—12.

Those voting in the negative, are

Messrs. Bond, Craig, Ewing, Hacker, Lane, McGahey, Maxwell, Mitchell, Noel, Rattan, Snyder, Stephenson, Taylor and Whiteside.—14.

The question was then put

Shall the bill pass?

And the Ayes and Nays having been called for by Messrs. Noel and Forquer,

It was decided in the affirmative.—Ayes 14—Nays 13.

Those voting in the affirmative, are

Messrs. Bond, Craig, Edwards, Ewing, Hacker, McGahey, Maxwell, Mitchell, Noel, Rattan, Snyder, Stephenson, Taylor and Mr. Speaker, who gave the casting vote.—14.

Those voting in the negative, are

Messrs. Davidson, Forquer, Gatewood, Jones, Lane, Mather, Mills, Thomas, Vance, Whiteside, Will, Williams, and Williamson.—13.

*Ordered* that the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The engrossed bill, entitled “an act for the benefit of Peter Warren, John Storm and Andrew Caldwell,” was read the third time and passed.

*Ordered* that the title of the bill be as aforesaid, that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Stephenson,

The Senate resolved itself into a Committee of the Whole on the bill entitled

“An act for construction of the Illinois and Michigan Canal.”

Mr. Thomas in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and

Mr. Thomas reported

That the Committee of the Whole had, according to order, had said bill under consideration, made some progress therein, and had directed him to ask leave to sit again.

On the question,

Shall the committee have leave to sit again?

It was decided in the affirmative.

A message from the House of Representatives, by Mr. Scates, their assistant clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have concurred with them in their amendments to the bill from the House of Representatives entitled

“An act to amend an act relating to the Attorney General and States Attorneys,” and

An act to authorise a Special Term of the Circuit Court in the county of Fayette.”

They have passed bills of the following titles, viz:

“An act to amend an act entitled an act regulating mills and millers, approved Feb. 9, 1827;” and

“An act to authorize Ezra Baker, jr. to erect a mill dam near Coffee Island on the great Wabash river;”

In the passage of which they ask the concurrence of the Senate.

They have also concurred with the Senate in the adoption of the resolution

Requesting the Governor to forward to our Senators and Representatives in Congress copies of all such resolutions and memorials as may be adopted and passed by the present General Assembly addressed to that body, &c. as amended by them—an end by adding at the end thereof the following, viz:

“The Governor shall be furnished with a copy of all such memorials and resolutions after their passage.”

In which amendment they ask the concurrence of the Senate.

And he withdrew.

On motion,

The Senate adjourned

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*FRIDAY, January 23, 1835.*

Senate met pursuant to adjournment;

Mr. Mather asked and obtained leave to introduce an additional remonstrance from sundry citizens of Randolph county against the removal of the Seat of Justice of said county; and

On motion of Mr. Mather,

The reading thereof was dispensed with, and the remonstrance

Referred to the committee on Petitions.

Mr. Vance asked and obtained leave to introduce the petition of sundry citizens of Vermillion county praying an alteration in a part of the State Road from Vincennes to Chicago; and

On motion of Mr. Vance,

The reading thereof was dispensed with; and the petition Referred to a select committee.

*Ordered* that Messrs. Vance, McGahey, and Stephenson be the committee.

Mr. Stephenson from the committee on Internal Improvements to whom was referred the bill from the House of Representatives, entitled

"An act to authorize Benjamin Howland and Henry P. Brush to build a mill dam across Fox river."

That from all the lights with which they have been furnished, Fox river is indisputably a navigable stream, affording ample water at its lowest stage for the transportation of the produce of all that fertile and highly favored country washed by its waters for 80 miles in extent: and believing that any obstruction imposed by the action of this Legislature would effect injuriously the citizens of that region, and operate deleteriously to the general prosperity of the State,

The committee would ask leave to report the same back to the Senate without amendment, and recommend its rejection.

The question was then put, Shall the bill be read the third time? and

Decided in the negative.

Mr. Stephenson asked and obtained leave to introduce a bill entitled

"An act to authorize A. T. Crow, John Foley, and Luther H. Bowen to build a toll bridge across Fever river,"

Was read the first time; and

Ordered to a second reading.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have concurred with them in the passage of a bill entitled

"An act to authorize James Kinzie to alter the town plat of the town of Wabonsie."

They have also concurred with the Senate in the passage of a bill entitled

"An act concerning a state road therein named,"

As amended by them; in which amendment they ask the concurrence of the Senate.

They have also amended the title of said bill so as to read

"An act to locate a state road from Rushville, in Schuyler county, to the town of Commerce, in Hancock county;"

In which amendment they ask the concurrence of the Senate.

They have passed a bill of the following title, viz.:

"An act to extend the jurisdiction of justices of the peace, in certain cases therein named."

In the passage of which they ask the concurrence of the Senate.

They have adopted a "Memorial to Congress, praying a remuneration for losses by Hezekiah West's father, during the revolutionary war," &c.

In the adoption of which they ask the concurrence of the Senate. And he withdrew.

Mr. Thomas, from the committee of Conference on the disagreeing votes of the two houses upon the bill for "An act supplemental to an act relative to wills and testaments," reported,

"That the committee had agreed that the Senate recede from its amendment striking out the preamble, and that the House agree to the other amendments of the Senate."

The question was then put, Will the Senate concur with the committee in their report? and

Decided in the affirmative.

Mr. Maxwell asked and obtained leave to introduce a bill entitled

"An act concerning public records;"

Which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Maxwell,

The rules of the Senate were dispensed with, and the bill Read the second time by its title; and,

On the further motion of Mr. Maxwell,

Referred to the committee on Finance.

Mr. Williams asked and obtained leave to introduce a bill entitled "An act for the benefit of the town of Quincy, in Adams county;"

Which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Williams,

The rules of the Senate were dispensed with, and the bill Read the second time by its title; and

*Ordered* to be engrossed for a third reading.

On motion of Mr. Forquer,

The Senate resolved itself into a committee of the whole on the bill entitled "An act for the construction of the Illinois and Michigan canal;"

Mr. Thomas in the chair;

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Thomas reported:

That the committee of the whole had, according to order, had said bill under consideration, made some progress therein, and had directed him to ask leave to sit again.

On the question, Shall the committee have leave to sit again?

It was decided in the affirmative.

A message from the House of Representatives, by Mr. Prickett, their Clerk.

MR. SPEAKER:—I am directed by the House of Representatives to inform the Senate that they have adopted the following resolution, viz.:

*Resolved by the General Assembly of the State of Illinois,*  
That, in their opinion, the establishment of a national bank, with a branch in each state, by the consent or request of its Legislature, properly restricted and guarded in its operations, is necessary to establish a sound and uniform currency in the United States; and also to afford the necessary facilities to the general government in transporting its funds;"

In the adoption of which they ask the concurrence of the Senate. And he withdrew.

On motion,

The Senate the adjourned until 2 o'clock,

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2 o'clock, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Mills,

The bill entitled "An act to amend an act appropriating a portion of the avails arising from the sale of saline lands, in Gallatin county, to internal improvements," which was heretofore laid on the table, was taken up, and

*Ordered* to be engrossed for a third reading.

On motion of Mr. Jones,

The bill from the House of Representatives, entitled "An act for the benefit of the sheriffs therein named," Which was heretofore laid on the table, was taken up, and *Ordered* to a third reading.

On motion of Mr. Thomas,

The rules of the Senate were dispensed with, and the bill Read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Thomas,

The bill from the House of Representatives, entitled  
“An act concerning public roads,”

Was read the third time by its title, and,

The question being put, Shall the bill, as amended, pass?

And the ayes and nays having been called for by Messrs. Mather and Lane;

It was decided in the negative.—Ayes 10.—Nays 11.

Those voting in the affirmative, are,

Messrs. Edwards, Hacker, McGahey, Mills, Mitchell, Stephenson, Taylor, Thomas, Vance, and Williams.—10.

Those voting in the negative, are,

Messrs. Bond, Craig, Forquer, Gatewood, Jones, Lane, Mather, Noel, Snyder, Williamson, and Mr. Speaker, who gave the casting vote.—11.

Mr. Vance proposed for adoption the following resolution, viz.:

*Resolved*, That his Excellency, Governor Duncan, be invited by the Speaker of the Senate, to take a seat within the bar of the Senate, whenever it may suit his convenience, during the balance of this session of the present General Assembly.

Mr. Hacker moved to lay said resolution on the table,

Which was not agreed to.

Mr. Stephenson moved that the resolution be indefinitely postponed,

Which was also not agreed to.

Mr. Stephenson then moved that said resolution be so amended as to admit the Judges of the Supreme Court to a seat within the bar of the Senate.

Which was decided in the negative.

The question then recurring on the adoption of the resolution,

And the ayes and nays having been called for by Messrs. Hacker and Maxwell,

It was decided in the affirmative.—Ayes 12.—Nays 14.

Those who voted in the affirmative, are

Messrs. Craig, Edwards, Ewing, Forquer, Gatewood, Jones, Lane, Mather, Maxwell, Mills, Rattan, Taylor, Thomas, Vance, and Williams.—15.

Those voting in the negative, are

Messrs. Hacker, McGahey, Mitchell, Noel, Snyder, Stephenson, and Williamson.—7.

On motion of Mr. Stephenson,

The Senate resolved itself into a Committee of the Whole on the bill entitled

“An act for the construction of the Illinois and Michigan Canal.”

Mr. Thomas in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and

Mr. Thomas reported,

That the Committee of the Whole had, according to order, had said bill under consideration, made some progress therein and had directed him to ask leave to sit again.

On the question, Shall the committee have leave to sit again?

It was decided in the affirmative.

On motion of Mr. Mather,

The vote this day taken on the passage of the bill from the House of Representatives, entitled

“An act concerning public roads,”

Was reconsidered. Whereupon,

On motion of Mr. Hacker,

The bill was laid on the table.

The bills from the House of Representatives, entitled

“An act to change the county line between Perry and Franklin counties;”

“An act to lay out a state road from the Wabash to the Yellow Banks, on the Mississippi;” and

The engrossed bills entitled

“An act to provide for the security of school funds;” and

“An act to amend an act entitled an act to provide for the application of the interest of the fund arising from the sale of the school lands belonging to the several townships in this state,” approved March 1st, 1833,

Were severally read the third time, and passed.

*Ordered*, That the titles of the bills be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of the two last mentioned bills.

On motion of Mr. Rattan,

The vote just taken on the passage of the bill entitled

“An act to provide for the security of school funds,” was reconsidered.

Whereupon,

Mr. Rattan moved to amend said bill by striking out the proviso in the latter part of the 5th section.

Which was not agreed to.

The question was then put, Shall the bill pass? and Decided in the affirmative.

The engrossed bill entitled "An act to provide for the distribution and application of the interest on the school, college, and seminary funds," being under consideration for a third reading, was,

On motion of Mr. Edwards,  
Laid on the table.

The bills from the House of Representatives entitled "An act to change a part of the state road from Greenville to Vandalia," and

"An act establishing a state road,"

Were severally read the third time, by their titles, and passed.

*Ordered*, That the titles of the bills be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to incorporate the Jacksonville Female Academy," was,

On the motion of Mr. Ewing,  
Read the third time by its title.

The question was then put, Shall this bill pass?

And the Ayes and Nays having been called for by Messrs. Lane and Maxwell,

It was decided in the affirmative.—Ayes 15—Nays 9.

Those voting in the affirmative, are

Messrs. Bond, Edwards, Ewing, Gatewood, Hacker, Jones, McGahey, Mather, Mills, Thomas, Vance, Whiteside, Will, Williams, and Williamson.—15.

Those voting in the negative, are

Messrs. Craig, Lane, Maxwell, Mitchell, Noel, Rattan, Snyder, Stephenson, and Taylor.—9.

*Ordered* that the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to amend an act regulating elections,"

Was read the third time, as amended, and,

On motion of Mr. Ewing,

Further amended by striking out the word "provisions," in

the latter part of said bill, and inserting in lieu thereof the word "purview."

The bill, as amended, was then passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Mather,

The resolution heretofore laid on the table, fixing the standing hour of adjournment at 9 o'clock, A. M. was taken up. Whereupon,

On motion,

The Senate adjourned

SATURDAY, January 24, 1835.

Senate met pursuant to adjournment.

A message from the House of Representatives by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have adopted the following resolution, viz.:

*Resolved by the House of Representatives* (the Senate concurring herein) That our Senators in Congress be instructed, and our Representatives requested to use their best exertions to procure the passage of a law establishing a mail route from Mount Carmel, in Wabash county, to Maysville, in Clay county; thence to Sutton's Point, in said county; thence to Vandalia, in Fayette county.

In the adoption of which they ask the concurrence of the Senate.

They have concurred with the Senate in their amendment to the preamble and resolution from the House of Representatives in relation to the "Seminary fund."

They have concurred in the report of the committee of conference on the disagreeing vote of the two Houses in relation to the bill from the House of Representatives entitled "An act supplemental to an act entitled an act relative to wills and testaments," and have receded from their vote of

non-concurrence in the amendments of the Senate, except the one striking out the preamble.

They have adopted the following resolution, viz.:

*Resolved by the General Assembly of the State of Illinois,*  
That the Public Printer be, and he is hereby required to print 2,800 copies of the laws of the present session; and 1000 copies of the journals of each House of this General Assembly: and that he is further required to cause said laws to be bound in good and substantial half binding, similar to the manner in which the private acts of last session were bound: also, that the journals be folded, stitched, and covered, in the same manner that they were of the last session; in accordance with the law passed at the present session, regulating and defining the duties of Public Printer;

In the adoption of which they ask the concurrence of the Senate.

And he withdrew.

Mr. Mather asked and obtained leave to introduce the petition of the prudential committee of the trustees of "Illinois College," and also, of the trustees of the "Alton College of Illinois," praying that said institutions may be incorporated; and,

On motion of Mr. Mather,

The reading thereof was dispensed with, and the petition Referred to the committee on Petitions.

Mr. Mitchell asked and obtained leave to introduce the remonstrance of sundry citizens of McLean and Sangamon counties against a contemplated alteration of the road leading from Springfield to Bloomington; and,

On motion of Mr. Mitchell,

The reading thereof was dispensed with, and the remonstrance

Referred to the committee on Petitions.

On motion of Mr. Maxwell,

The bill from the House of Representatives, entitled "An act concerning public roads,"

Which was on yesterday laid on the table

Was taken up, and,

The question being put, Shall the bill, as amended, pass?

And the ayes and nays having been called for by Messrs. Lane and Snyder;

It was decided in the affirmative.—Ayes 17.—Nays 8.

Those voting in the affirmative, are

Messrs. Bond, Craig, Edwards, Ewing, Forquer, Hacker, McGahey, Maxwell, Mills, Mitchell, Rattan, Stephenson, Thomas, Vance, Whiteside, Will, and Williams.—17.

Those voting in the negative, are,

Messrs. Davidson, Jones, Lane, Mather, Noel, Snyder, Taylor, and Williamson.—8.

*Ordered* that the title of the bill be as aforesaid, that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Forquer,

The Senate again resolved itself into a committee of the whole on the bill entitled

“An act for the construction of the Illinois and Michigan Canal,”

Mr. Thomas in the chair;

And after sometime spent therein, Mr. Speaker resumed the chair, and Mr. Thomas reported,

That the committee of the whole had again, according to order, had said bill under consideration, made some further progress therein, and had directed him to ask leave to sit again.

On the question, Shall the committee have leave to sit again?

It was decided in the affirmative.

A message from the House of Representatives, by Mr. Scates, their assistant clerk.

MR. SPEAKER:—I am directed by the House of Representatives to inform the Senate that they have adopted the following resolution, viz.:

“*Resolved by the House of Representatives*, That Job Collins be recommended to the Senate as a suitable person to fill the office of county surveyor of Greene county.”

And he withdrew. Whereupon,

On motion,

The Senate adjourned until 2 o'clock.

2 o'clock, P. M.

Senate met pursuant to adjournment:

On motion of Mr. Rattan,

The nomination made by the House of Representatives of

Job Collins for county surveyor of Greene county, was confirmed.

Mr. Thomas, from the committee on Enrolled Bills, reported as correctly enrolled bills of the following titles, viz.:

“An act to locate and establish a state road therein named.”

“An act to amend an act prescribing the mode of summoning grand and petit jurors;” approved Feb. 7, 1827.

“An act to change a part of certain state roads.”

“An act to authorize a special term of the circuit court in the county of Fayette.”

“An act defining the duties of Public Printers, and fixing the time and manner of performing the same.”

“An act to incorporate the Mount Carbon Coal Company.”

“An act supplemental to an act to locate permanently the seat of justice of Alexander county;” approved January 18, 1833.

“An act entitled an act for the relief of Lewis J. Clawson.”

“An act for the relief of the people of White county.”

“An act authorizing the administrators of James Mason, deceased, to execute deeds in certain cases.”

“An act to vacate the survey and plat of the town of Venus, in Hancock county.”

“An act to amend the act entitled an act prescribing the mode of trying the right of property;” approved January 29, 1827.

And that the said bills were severally laid before the Council of Revision, on yesterday.

A message from the Council of Revision, by William H. Brown, their clerk.

MR. SPEAKER:—The Council of Revision have approved bills of the following titles, viz:

“An act to locate and establish a state road therein named.”

“An act to amend an act prescribing the mode of summoning grand and petit jurors, and defining their qualifications and duties;” approved Feb. 7, 1827.

“An act to change a part of certain state roads.”

“An act to authorize a special term of the circuit court in the county of Fayette.”

“An act defining the duties of public printers, and fixing the time and manner of performing the same.”

“An act to incorporate the Mount Carbon Coal Company.”

“An act supplemental to an act to locate permanently the seat of justice of Alexander county;” approved January 18, 1833.

"An act entitled an act for the relief of Lewis J. Clawson."

"An act for the relief of the people of White county."

"An act authorizing the administrators of James Mason, deceased, to execute deeds, in certain cases;" And,

"An act to vacate the survey and plat of the town of Venus, in Hancock county."

And he withdrew.

On motion of Mr. Stephenson,

The Senate again resolved itself into a Committee of the Whole on the bill entitled

"An act for the construction of the Illinois and Michigan Canal."

Mr. Thomas in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and

Mr. Thomas reported,

That the Committee of the Whole had, according to order, had said bill under consideration, made some further progress therein, and had directed him to ask leave to sit again.

On the question, Shall the committee have leave to sit again?

It was decided in the affirmative.

The bill from the House of Representatives, entitled

"An act to authorize the county commissioners of Randolph and Perry to refund certain taxes," was,

On motion of Mr. Mather,

Read the second time by its title, and

*Ordered* to a third reading.

The bill from the House of Representatives, entitled

"An act to amend an act declaring what laws of a general nature shall be published with the acts of a general nature of this session," approved March 2d, 1833,

Was read the second time, and

*Ordered* to a third reading.

The bill from the House of Representatives entitled

"An act to authorize the county commissioners court of Montgomery county to change a certain state road therein named,"

Was read the second time, and,

On motion of Mr. Mather,

Amended, by striking out the word "and" wherever it occurs in the 1st section, between the names of "William S. Townsend" and "William D. Shirley."

*Ordered*, that the bill be read the third time.

The bill from the House of Representatives, entitled

"An act concerning county surveyors and clerks,"  
 Was read the second time, and,  
 On motion of Mr. Hacker,  
 Referred to a select committee.

*Ordered* that Messrs. Hacker, Mather, and Forquer, be the committee.

The bill from the House of Representatives entitled

"An act to amend an act relative to the improvement of the Great Wabash river;" approved 12th, 1833,

Was read the second time; and,

On motion of Mr. Mather,

Referred to the committee on Internal Improvements.

The bill entitled "An act concerning religious societies,"

Was read the second time, by its title, and

*Ordered* to be engrossed for a third reading.

The bill from the House of Representatives, entitled

"An act changing an appropriation heretofore made to the county commissioners' court of Vermillion county, to the county commissioners' court of Champaigne county," was,

On motion of Mr. Ewing,

Read the second time by its title, and

*Ordered* to a third reading.

The bill entitled "An act concerning the public revenue,"

Was read the second time, and,

On motion of Mr. Davidson,

Committed to a committee of the whole.

The bill entitled

"An act to revive and continue in force an act authorizing a review of a part of the Vincennes and Chicago road,"

Was read the second time, and

*Ordered* to be engrossed for a third reading.

The bill entitled

"An act to lay out a road from Moses Thomas' in Champaigne county, to Bloomington, in McLean county," was,

On motion of Mr. Davidson,

Read the second time by its title, and

*Ordered* to be engrossed for a third reading.

The bill from the House of Representatives, entitled

"An act declaring Big Muddy a navigable stream,"

Was read the second time, and

*Ordered* to a third reading.

The bill entitled "An act concerning the sale of certain school lands in Tazewell county," was,

On motion of Mr. Mitchell,

Read the second time by its title, and

*Ordered* to be engrossed for a third reading.

The bill from the House of Representatives, entitled

"An act supplemental to an act to incorporate such persons as may associate for the purpose of procuring and erecting public libraries in this state," approved January 31, 1823,

Was read the second time, and

*Ordered* to a third reading.

The bills entitled

"An act for the benefit of Cook county," and

"An act authorizing A. T. Crow, John Foley, and Luther H. Bowen to build a toll bridge across Fever river."

Were severally read the second time, by their titles, and

*Ordered* to be engrossed for a third reading.

A message from the House of Representatives, by Mr. Scates, their assistant clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have concurred with them in their amendment to the bill from the House of Representatives, entitled "An act for the benefit of the sheriffs therein named," as amended by them;

In which amendment of the House of Representatives to the amendment of the Senate, they ask the concurrence of the Senate. And he withdrew.

The bill entitled

"An act to amend an act entitled an act to amend an act entitled an act to provide for the election of justices of the peace and constables;" approved Jan. 7, 1835,

Was read the second time; and

*Ordered* to be engrossed for a third reading.

The bill entitled "An act to divorce Melinda Martin from the bands of matrimony,"

Read the second time, and,

On motion of Mr. Hacker,

Amended, by adding the following section, viz.:.

"SEC. 2. That the bands of matrimony heretofore existing between John Jordan and Nancy Jordan, be, and the same are hereby dissolved."

On motion of Mr. Mather,

The further consideration of said bill was then indefinitely postponed.

A message from the House of Representatives by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have passed bills of the following titles, viz.:

“An act to incorporate the Jacksonville and Meredocia Railroad Company.”

“An act to incorporate the Carmi Bridge Company.”

“An act in relation to Bank Collectors.”

“An act to change part of the state road from Springfield to Alton.”

“An act concerning marks and brands.”

“An act for the relief of Willard Twiss.”

“An act to limit the jurisdiction of justices of the peace.”

“An act to locate a state road therein named, and for other purposes.”

“An act to locate a state road from Shelbyville to the Great Wabash river, in Lawrence county, opposite Vincennes, in Indiana.”

“An act to authorize the sale of certain school land, therein named.”

“An act declaring the road from Mount Vernon to New Nashville, a state road;” and

“An act for the relief of a person therein named.”

In the passage of which they ask the concurrence of the Senate.

They have concurred with the Senate in the passage of a bill entitled

“An act further defining the powers and duties of trustees of incorporated towns.” And he withdrew. Whereupon,

On motion,

The Senate adjourned until Monday morning, 10 o'clock.

MONDAY, January 26, 1835.

Senate met pursuant to adjournment.

Mr. Davidson asked and obtained leave to introduce the petition of sundry citizens of the south-eastern portion of this

state, praying a re-charter of the Bank of Illinois at Shawneetown; and,

On motion of Mr. Davidson,

The reading thereof was dispensed with, and the petition Laid on the table.

Mr. Lane asked and obtained leave to introduce the petition of sundry citizens of the south-eastern portion of this state, praying a re-charter of the Bank of Illinois at Shawneetown; and,

On motion of Mr. Lane,

The reading thereof was dispensed with; and the petition Laid on the table.

Mr. Mather, from the select committee to which was referred the bill from the House of Representatives, entitled

“An act in relation to the money heretofore appropriated to the county of Randolph out of the avails arising from the sale of the Gallatin Saline lands, to internal improvements,” approved 16th February, 1831,

Reported the same back to the Senate with sundry amendments; which were read and concurred in.

*Ordered* that the bill be read the third time.

On motion of Mr. Mather,

The rules of the Senate were dispensed with, and the bill Read the third time by its title, and passed.

On the further motion of Mr. Mather,

The title of said bill was amended so as to read

“An act relative to an appropriation from the avails of the Gallatin County Saline Lands, for the benefit of Randolph county.”

*Ordered* that the title of the bill be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The question being put on the adoption of the resolution heretofore proposed, fixing the standing hour of adjournment at 9 o'clock, A. M.

It was decided in the negative.

The amendment of the House of Representatives to the amendment of the Senate to the bill from the House of Representatives, entitled

“An act for the benefit of the Sheriffs therein named,” being under consideration,

Mr. Whiteside moved to amend the said amendment of the House, by inserting after the words “St. Clair,” the word “Pope;”

Which was agreed to.

*Ordered* That the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Mr. Stephenson,

The Senate again resolved itself into a committee of the whole on the bill entitled "An act for the construction of the Illinois and Michigan canal;"

Mr. Thomas in the chair;

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Thomas reported:

That the committee of the whole had, according to order, again had said bill under consideration, made some further progress therein, and had directed him to ask leave to sit again.

On the question, Shall the committee have leave to sit again?

It was decided in the affirmative.

Mr. Hacker asked and obtained leave to introduce a bill entitled

"An act changing part of a state road from the mouth of the Ohio, in Alexander county, to Jonesborough, in Union county." Whereupon,

On motion,

The Senate adjourned until 2 o'clock.

*2 o'clock, P. M.*

Senate met pursuant to adjournment.

Mr. Thomas from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles, viz.:

"An act for the benefit of the infant heirs of James Mason, deceased."

"An act to lay out a state road from the Wabash to the Yellow Banks, on the Mississippi."

"An act to authorize James Kinzie to alter the town plat of the town of Wabonsie."

"An act to provide for the election of county recorders and surveyors."

The bill entitled "An act changing part of a state road from

the mouth of the Ohio, in Alexander county, to Jonesborough, in Union county,"

Was read the first time; and  
*Ordered* to a second reading.

On motion of Mr. McGahey,

The rules of the Senate were dispensed with, and the bill Read the second time by its title; and

*Ordered* to be engrossed for a third reading.

Mr. Ewing asked and obtained leave to introduce a bill entitled "An act supplementary to an act to establish an uniform mode of holding circuit courts," approved January 7th, 1835,"

Which was read the first time, and  
*Ordered* to a second reading.

On motion of Mr. Ewing,

The rules of the Senate were dispensed with, and the bill Read a second time by its title; and,

On motion of Mr. Hacker,  
Laid on the table.

Mr. Ewing asked and obtained leave to introduce a bill entitled "An act to make an appropriation for building a bridge across Hickory creek, on the state road leading from Vandalia to Salem;"

Which was read the first time, and  
*Ordered* to a second reading.

Mr. Snyder, from the select committee to which was referred a resolution to "draft a preamble and resolutions requesting Congress to donate a quantity of land to those persons who were heads of families in the Illinois country, between the years 1783 and 1803," reported the following preamble and resolutions, viz.:

"Whereas, by a resolution of Congress, of the 29th August, 1783, and an act of Congress passed 3d March, 1791, all heads of families who resided at Vincennes or in the Illinois country in the year 1783, were entitled to a donation of four hundred acres of land, and each person who on the 1st day of August, 1790, was enrolled as a militia man at Vincennes, or in the Illinois country, was entitled to a donation of one hundred acres of land: and whereas during the same time and until the 30th April, 1803, it was the practice of the Spanish government in the neighboring province of Louisiana, to invite emigration by donations of land: and whereas, also, many of the ancient settlers in the Illinois country, who emigrated

here after the years 1783 and 1790, and before the cession of Louisiana to the United States, though not included in the provisions of said resolution and act of Congress, relying upon the justice and generosity of their country, and preferring her government to that of foreigners, continued to reside in this country, and to defend it against the enemies of the United States, rather than to remove to Louisiana, where they would have received ample donations of land: and whereas, as those persons were most evidently influenced by love of country and an ardent attachment to free institutions, which many of them defended with their lives; therefore

*Resolved*, That that class of our early citizens, many of whom survive until now, are highly meritorious and deserving of reward for their disinterested services, and attachment to the United States.

*Resolved*, That our Senators in Congress be instructed and our Representatives requested to use their utmost influence to procure donations of 400 acres of land for each head of a family, who was settled in Illinois after the year 1783 and who was an inhabitant in 1803; and also a donation of 100 acres of land to each person whose name was enrolled in the militia of Illinois, on the 30th April, 1803, and who emigrated here after the 1st August, 1790, and who had not otherwise received donations in land.

*Resolved*, That the Governor be requested to transmit a copy of the above to each of our Senators and Representatives in Congress.

On the question, Shall the preamble and resolutions be adopted?

It was decided in the affirmative.

*Ordered* That the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Mr. Stephenson,

The Senate again resolved itself into a committee of the whole on the bill entitled "An act for the construction of the Illinois and Michigan canal;"

Mr. Thomas in the chair;

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Thomas reported:

That the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same back to the Senate without amendment.

Whereupon,

Mr. Gatewood moved to amend said bill by striking out in the 8th section 6th line all after the word "same," and inserting, in lieu thereof, the following, viz.:

"And the faith of the state is hereby solemnly and irrevocably pledged to apply the nett proceeds of said lands already granted, and that may hereafter be granted by Congress for said canal, and also the canal tolls, towards the payment of the said interest and principal; and the state of Illinois shall be in no otherwise responsible for the same: *Provided*, That the said lands shall not be sold until there shall have been five hundred thousand dollars of the said loan applied and expended towards the prosecution of the said canal."

The question being put on the adoption of said amendment, And the Ayes and Nays having been called for by Messrs. Noel and Gatewood,

It was decided in the negative.—Ayes 13.—Nays 14.

Those voting in the affirmative, are,

Messrs. Craig, Davidson, Gatewood, Hacker, Jones, Lane, McGahey, Mills, Noel, Snyder, Whiteside, Will, and Williamson.—13.

Those voting in the negative, are,

Messrs. Bond, Edwards, Ewing, Forquer, Mather, Maxwell, Mitchell, Rattan, Stephenson, Taylor, Thomas, Vance, Williams, and Mr. Speaker, who gave the casting vote.—14.

On motion of Mr. Forquer,

The said bill was amended by filling the blank in the 11th section with the words "twelve hundred dollars."

Mr. Gatewood moved to fill the blank in the 14th section with the words "one hundred thousand."

Which was not agreed to. Whereupon,

On motion of Mr. Forquer,

The bill was further amended by filling the said blank with the words "ten thousand."

On motion of Mr. Edwards,

The bill was further amended by striking out so much of the 18th section as requires the canal commissioners to cause a re-survey and estimate of the cost, of said canal. Whereupon,

On motion of Mr. Davidson,

The bill and amendments were

Referred to a select committee.

*Ordered* that Messrs. Forquer, Edwards, Taylor, Ewing, Williams, Bond, and Rattan, be the committee.

A message from the House of Representatives by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have concurred with them in their amendments to the bills from the House of Representatives, entitled

“An act concerning public roads;” and

“An act to amend an act regulating elections.”

They also concur in the Senate’s 1st, 2d, 3d, and 5th amendments to the bill from the House of Representatives, entitled

“An act to incorporate Mount Carmel, in Wabash county,” but do not concur in their 4th amendment to said bill.

They have concurred with the Senate in the passage of a bill entitled

“An act allowing appeals in certain cases.”

They have passed bills of the following titles, viz.:

“An act declaring the Snicarty, a branch of the Mississippi river, a navigable stream.”

“An act to organize the county of Mercer.”

“An act to change a state road therein named.”

“An act to prevent trespassing on the canal lands of this state.”

“An act to amend an act entitled “an act to lay out a state road from Peoria to Chicago;” and

“An act for the benefit of the widow and heirs of Reuben Goddard, deceased;”

In the passage of which they ask the concurrence of the Senate.

They have concurred in the amendment of the Senate to the bill from the House of Representatives, entitled

“An act to establish a state road from Crow’s, in the county of Morgan, by the way of Athens, in Sangamon county, to Musick’s bridge on Salt creek;” as amended by them, in which amendment of the House to the amendment of the Senate, they ask the concurrence of the Senate.

And he withdrew.

On motion of Mr. Gatewood,

The bill entitled

“An act to extend for a limited time the charter of the Bank of Illinois, at Shawneetown,” which was heretofore laid on the table was taken up, and

The question being put, Shall the bill be engrossed and read the third time?

And the ayes and nays having been called for by Messrs. Hacker and Davidson,

It was decided in the affirmative.—Ayes 15—Nays 10.

Those voting in the affirmative, are

Messrs. Ewing, Forquer, Gatewood, Lane, Mather, Maxwell, Mills, Stephenson, Taylor, Thomas, Vance, Whiteside, Will, Williams, and Williamson.—15.

Those voting in the negative, are

Messrs. Bond, Craig, Davidson, Edwards, Hacker, Jones, Mitchell, Noel, Rattan, and Snyder.—10.

The resolution from the House of Representatives relative to the “establishment of a national bank” being under consideration,

Mr. Stephenson moved to lay said resolution on the table.

Mr. Ewing moved that the consideration of said resolution be indefinitely postponed. Whereupon,

Mr. Forquer moved the previous question; and,

On the question, Shall the main question be now put?

It was decided in the affirmative.

The question being then put, Shall the further consideration of said resolution be indefinitely postponed?

And the ayes and nays having been called for by Messrs. McGahey and Ewing,

It was decided in the affirmative.—Ayes 14.—Nays 12.

Those who voted in the affirmative, are

Messrs. Bond, Craig, Ewing, Forquer, Lane, McGahey, Maxwell, Mitchell, Noel, Rattan, Snyder, Stephenson, Taylor, and Williamson.—14.

Those voting in the negative, are

Messrs. Davidson, Edwards, Gatewood, Hacker, Jones, Mather, Mills, Thomas, Vance, Whiteside, Will, and Williams.—12.

A message from the Governor, by Mr. Field, Secretary of State.

“MR. SPEAKER:—I am directed by the Governor to lay before the Senate a written communication.”

And he withdrew.

The resolution from the House of Representatives relative to the establishment of a mail route from “Mount Carmel, in Wabash county, to Vandalia,” being under consideration,

Mr. Maxwell moved to amend the said resolution by adding thereto the words “and from Pittsfield, in Pike county, to Rushville, in Schuyler county.”

Mr. McGahey moved to amend the amendment by adding the following, viz.:

"And likewise that a mail route be established from Vandalia, by Ewington, to Newton, in Jasper county, to Palestine, in Crawford county;

Which was agreed to.

Mr. Stephenson moved further to amend the said resolution by adding the words "And also from Chicago to Galena."

Which was also agreed to.

The question then recurring on the adoption of the resolution, as amended;

It was decided in the negative.

A message from the Council of Revision, by William H. Brown, their clerk.

MR. SPEAKER:—The Council of Revision have approved bills of the following titles, viz:

"An act to authorize James Kinzie to alter the town plat of the town of Wabonsie."

"An act for the benefit of the infant heirs of James Mason, deceased;" and

"An act to lay out a state road from the Wabash to the Yellow Banks, on the Mississippi."

And he withdrew.

The resolution from the House of Representatives relative to printing the "laws and journals of the present General Assembly" being under consideration, was,

On motion of Mr. Thomas,

Referred to the committee on Finance.

Mr. Forquer proposed for adoption the following resolution, viz.:

*Resolved by the Senate, (the House of Representatives concurring herein) That our Senators and Representatives in the Congress of the United States, be requested to use their influence to procure the consent of the Congress of the United States to rescind the compact between the United States and this State, which prohibits the State from taxing any land sold by the United States in this state, for five years from the time of the purchase."*

Whereupon,

On motion,

The Senate adjourned

TUESDAY, January 27, 1835.

Senate met pursuant to adjournment.

Mr. Thomas, from the committee on Enrolled Bills, reported as correctly enrolled bills of the following titles, viz.:

“An act to incorporate the Jacksonville Female Academy.”

“An act for the benefit of the clerk of the circuit and county commissioners’ court of La Salle county.”

“An act to change a part of the state road from Hillsboro, to Shelbyville.”

“An act to amend an act entitled “an act relating to the attorney general and state’s attorneys.”

“An act supplemental to an act entitled “An act relative to Wills and Testaments.”

“An act to change part of the state road leading from Ma-comb to Havana.”

“An act to amend an act regulating enclosures.”

“An act establishing a state road.” Also,

A preamble and resolution relative to a grant of land of the Cahokia and Prairie du Pont Commons; and

The preamble and resolution in relation to the Seminary Fund:

And that, on yesterday, the said bills were laid before the Council of Revision: also, that the said preambles and resolutions were delivered to the Governor.

They further report, that on yesterday the following bills were laid before the Council of Revision:

“An act for the benefit of the infant heirs of James Mason, deceased.”

“An act to lay out and establish a state road from the Wabash to the Yellow Banks, on the Mississippi.”

“An act to authorize James Kinzie to alter the town plat of the town of Wabonsie.”

“An act to provide for the election of county recorders and surveyors.”

On motion of Mr. Ewing,

The Committee of the Whole were discharged from the further consideration of the bill entitled “An act establishing a State Bank.”

On motion of Mr. Ewing,

The bill heretofore laid on the table, entitled

"An act to incorporate the subscribers to the Bank of the State of Illinois," was taken up; and,

On the further motion of Mr. Ewing,

The said bills were referred to a select committee of five.

*Ordered* that Messrs. Ewing, Will, Mather, Stephenson, and Taylor, be the committee.

Mr. Williams asked and obtained leave to introduce the petition of sundry citizens of Adams county, relative to the removal of the seat of justice of said county: also, a remonstrance from sundry citizens of said county relative to the same subject: and,

On motion of Mr. Williams,

The reading thereof was dispensed with, and the same

Referred to the committee on Petitions.

Mr. Mitchell asked and obtained leave to introduce the petition of sundry citizens of Tazewell and McLean counties, relative to the alteration of the county line between said counties; and,

On motion of Mr. Mitchell,

The reading thereof was dispensed with; and the petition

Referred to a select committee of five.

*Ordered* that Messrs. Mitchell, Snyder, Taylor, Maxwell and Ewing, be the committee.

Mr. Snyder, from the committee on Finance, to whom was referred the resolution from the House of Representatives, relative to the printing of the "laws and journals of the present General Assembly;"

Reported the same back to the Senate without amendment, and recommended its adoption.

The question was then put on concurring with the House of Representatives in the adoption of said resolution; and

Decided in the affirmative.

*Ordered* that the Secretary inform the House of Representatives thereof.

Mr. Mather, from the committee on Petitions, to whom was referred the petitions of the McKendrean College, and of the prudential committee of the trustees of the "Illinois College," and the "trustees of the Alton College of Illinois;" made the following report, viz.:

The committee on Petitions, to whom was referred the petitions of the trustees of Illinois, McKendrean, and Alton Colleges,

## REPORT:

That, in the petitions on behalf of these colleges, they find the following declaration of facts:

The petitioners, all of whom are citizens of this state, have been engaged for several years in founding and rearing up these institutions. They had their origin in a warm interest in the cause of education in general. The intelligence of the people was regarded as the only basis of our republican institutions, and common schools the grand and only means of making this intelligence universal. But then the necessity of institutions of a higher order, was felt, not only to qualify young men for the various professions and the useful employments of practical life, but also to fit them for the business of teaching common schools, as the only effectual means of making a common school system high'y and permanently beneficial. The trustees have toiled in the midst of difficulties inseparable from so new a country, at great personal sacrifice, and without the hope of any remuneration but the pleasure of promoting the noble cause of education.

The College of Jacksonville has been in operation for the last five years, and now numbers about 100 students. It has, attached to it, not far from 320 acres of land, which is used as a manual labor farm. A work-shop is also erected, in which various mechanical operations are carried on by the students, about 40 of whom earned during the last year, more than eighteen hundred dollars. Funds, to a considerable amount, have been committed to the trustees in *trust*, for the purposes of education, and they have sacredly pledged themselves to devote them to this object. They have been principally expended in land, buildings, apparatus, books, and the support of instructors.

The patrons of the McKendrean College commenced their building four years ago, received a deed for about ten acres of land, erected a building at the cost of something like three thousand dollars. The institution has been in operation about twelve months. The students number about sixty. Books and apparatus have been procured and funds collected for the enlargement of the plans of the college.

The trustees of "Alton College of Illinois," have purchased a tract of four hundred acres, immediately adjoining the town o' Upper Alton, with a view to manual labor operations, whereby the indigent but enterprizing youth of the country may be enabled to defray the expenses of their education. They have erected thereon a very convenient brick building for college purposes, and are making arrangements for putting up a boarding house and work shops. A library and apparatus have been provided, funds have been contributed at the East as well as in this country, and a portion of the land is to be laid off into town lots, which will command a good price, and thus materially increase the available means of the institution. It has been in operation about three years, and now numbers near sixty students.

These three institutions now ask an act of incorporation, that their funds may be secured from alienation in future, and put into such a shape as to relieve themselves from anxiety, and retain the confidence of those upon whom they must rely for future support; that they may introduce greater simplicity into their business operations, and have the power of conferring the usual college degrees. They ask for nothing that is inconsistent with our constitution or laws—for nothing that shall interfere with the rights of any citizen, or the interests of any other institution—and for no powers nor privileges but such as are common to similar institutions in other states. They simply ask us to afford them such facilities as shall enable them to prosecute their work without embarrassment.

Your committee are of the opinion, that we have now reached a most important crisis in the history of our state. This is especially true as it respects the subject of education. We are called upon to settle principles which will tell on the destinies of Illinois in coming generations. It becomes us, therefore, to act with great caution, and with our eyes fully open upon our present and future interests. Our public policy throughout, should be based upon enlarged and liberal views—views which will be found to promote the prosperity of the state when our prairies shall swarm with population, and every where teem with plenty, under the hand of the husbandman. All will agree that no one cause is more closely identified with the general welfare, than that of education. And it is a fact full of interest and promise, that public sentiment on that subject, like the swelling of the tide, is every where in motion; and the voice of the people, in unbroken power, is coming up from all parts of the state—demanding that *something should be done*. And we may cherish the hope that the day is not far distant, when a judicious common school system shall be in vigorous and successful operation. Associations of our fellow-citizens, too, are forming, in different directions, for the purpose of rearing up, by individual enterprize, institutions of a higher grade. As a consequence, applications from these associations for corporate powers, are multiplying. What shall be done with these applications? Shall they be granted or rejected? Or shall there be such limitations as will really embarrass their operations—and, in the opinion of the applicants, *amount to a rejection?*

In the view of your committee, three questions here arise, upon the settlement of which the whole matter will turn.

1. Are institutions of this character really needed in the state?
2. Is it important to their success that the trustees who manage them should become bodies corporate?
3. Can corporate powers be granted, with safety to the public interests?

With regard to the *first* question, the committee would remark—that, in their opinion, it is settled by the uniform experience of the

civilized world,—and *that* continued through the lapse of ages. So decisive is this evidence, that the number and character of these institutions may be considered a very fair criterion of the state of education in any country. While we admit that the great mass of the people can only be reached through the medium of common schools, yet of what use will even they be without competent teachers? And where shall these teachers be educated except in institutions of a higher grade? The world may be challenged to produce an instance in which common schools have been efficient, and permanently prosperous, without the co-existence of higher institutions. Never was there a greater mistake than to suppose that their interests clash—or that *either* can be kept in vigorous and permanent operation without the aid of the other. How obvious that the interests of market towns and the surrounding settlements are so identified as to create mutual dependence? Could the interests of one be injured without detriment to the other? So is the relation that subsists between common schools and institutions of a higher grade. The connexion is no stronger, and the mutual dependence no more absolute in the one case than in the other. Can, then, the fostering hand of government be withheld from either without detriment to the highest interests of the State? Or can any policy which shall operate to the injury of either be sound policy?

Besides, institutions of a higher order are needed, to raise up scientific men. The single invention of the cotton gin, by Whitney, a man whose mind had been stored with the principles of science, at a college, has probably added more to our national wealth, than has been expended to found and support all the colleges in our country since our existence as a nation. And the invention of the safety lamp by Sir Humphry Davy, which he reasoned out on the rigid principles of science, has not only rendered his name imperishable in the scientific world, but by preventing an immense destruction of human life in the coal mines of Great Britain, and adding in various ways to the wealth of the country, it will cause him to be regarded as a public benefactor, so long as England shall endure! Who can tell the advantages that have been derived even to the Western States, by the invention and perfection of steam boats? And it should never be forgotten, that, for these and numberless other inventions, we are indebted to *scientific men*. Had not institutions existed somewhere, in which such men could become acquainted with the principles of science, we should, to this hour, have been ploughing our majestic and turbulent rivers with our flats and keels, as the only means of transportation. Where, then, would have been the tide of emigration which is now pouring upon our prairies? Where, too, our vigorous commerce, our zeal in agriculture, and the marks of industry and enterprize now visible throughout our territory? How unfounded, then, the opinion, that literary institutions are unfriendly to the best interests of a state!

We live in an age of improvement and invention, and there is a loud call for *scientific* as well as practical men. But where shall they be educated? The *engineer*, for instance, upon whom we *must depend* to survey, and at every step of their progress direct in the construction of our canals and railroads, must be acquainted with algebra, geometry, trigonometry, &c. But it is well known that these branches are not taught in our common schools. These engineers, therefore, cannot be educated there. We might as well think of constructing steam engines in a common smith's shop,—or carrying on ship-building in the centre of the Grand Prairie. We must have institutions which shall be the depositories of science—liberally endowed—and furnished with apparatus, libraries, and able and learned men as instructors. Shall none be founded in Illinois, in which *our* Whitneys and Davys may be trained? Shall we depend on Missouri, or Indiana, or Ohio, or Kentucky, or any other state, for our teachers, our engineers, our eloquent advocates, our learned jurists, and those who are to fill and grace the various learned professions? Who shall write our school books, and our histories, and become our authors of imperishable fame? Or shall we send abroad our young men to receive in other states that education which they cannot receive at home! And that because we will not foster on our own soil those institutions which are the pride of surrounding states? Multitudes of our young men *will* have a liberal education *somewhere*, and if they cannot at home, they will flock to other states. Their institutions are already up all around us—incorporated—endowed—and in full operation—and they would doubtless be glad to educate our sons! But will the high-minded citizens of Illinois thus stoop to become the vassals of other states?

2. Is it important to the success of these institutions that the trustees who manage them should become *bodies corporate*? This question may be easily answered, by looking at the ends to be gained by conferring corporate powers. The object of an incorporation is to enable their members to act by one united will, and to continue their joint powers and property in the same body undisturbed by the change of members, and without the necessity of perpetual *conveyances*, as the rights of membership pass from one individual to another. All the individuals composing a corporation, and their successors, are considered in law but as one moral person, capable, under an artificial form, of taking and conveying property, or contracting debts and duties, and of enjoying such rights as are delegated to them. One of the peculiar properties of a corporation is the power of perpetual succession; for in judgment of law it is capable of indefinite duration. The rights and privileges of corporations do not determine, or vary, upon the death or change of any of the individual members. They continue as long as the corporation endures.

Without the aid of an act of incorporation, the trustees of a literary institution necessarily take all the property bestowed upon them in

their natural capacities—and should they disagree in the management of the trust, there is no mode of compelling the will of the minority to submit to the will of the majority: and hence they are liable to have the very objects of the trust defeated by dissensions in their own body, should the trustees unfortunately differ. A corporation remedies this evil, by making the act of the majority the act of the whole body. Again, without an act of incorporation, should an individual trustee pervert the college property to his own use, or, in any other way, injure what is committed in trust, the law furnishes no remedy. And although the trustees act with harmony and in good faith without an act of incorporation, when a trustee dies, the portion of real estate held in his name descends to his heirs. These may be infants, or may be totally indisposed to carry into effect the object intended by the donor, in giving the property to his ancestor; and thus property originally designed for a noble and highly useful purpose, may, by the cupidity of his heirs, be entirely diverted. The evils arising from refusing to give corporate powers for the purposes of education, are manifold. The efforts of trustees, thus situated, are frequently distracted by conflicting opinions; and where they unfortunately occur, there is no mode of producing united action. It presents temptations, not only to the trustees, but to their heirs, from incentives of gain, to betray their trusts. These evils are so well understood, that the founders of colleges universally apply to the proper authorities for corporate powers, as *a matter of course*, and just as much so as banking or railroad companies. As, therefore, permanent funds are *absolutely essential* to the prosperity and usefulness of such institutions, and as these are the dangers to which they are exposed, your committee are of opinion that the importance of granting corporate powers is made sufficiently manifest.

### 3. Can these powers be granted with safety to the public interests?

Your committee feel that they cannot better answer this question than by repeating the language of the memorial presented by the trustees of Illinois College, to wit:

"We would state that it can be done without the least hazard to the interests of the community. One of the most distinguished jurists and civilians in our country, in an argument before the Supreme Court of the United States, has stated, that the uniform testimony of experience, both in our own and other countries, is, that such literary corporations are in an eminent degree safe, and highly conducive to the public good, and that as a uniform fact they have not been perverted from their original purpose to improper ends. And so far as we know, no fact is on record which proves the danger of any such perversion. Not only do *facts* prove the safety of such literary corporations, but the nature of the case also shows that they are exposed to fewer influences which may lead to perversions, than almost any other class of corporations. They depend almost entirely on public senti-

ment for their patronage and support, and therefore cannot, with impunity, disregard the known interests and wishes of the community. On the other hand, they are under the influence of every possible motive to regulate all their measures so as to bear the test of public scrutiny, and to correspond with the known expression of the public will."

These statements and reasonings, your committee regard as decisive—but they would state in addition, that literary corporations have been tried in all other states, and found safe. There are more than twenty on the statute books of Missouri. In Kentucky there are three or four colleges founded on peculiar religious sentiments; and in Tennessee numerous academies and colleges are incorporated, with the most ample powers. Now, why should that which is so safe in these states be dangerous in Illinois?

If, then, as we trust has been abundantly shown, colleges are so much needed in our state, and the public interest would be as *really* injured by neglecting to foster them as by refusing to cherish common schools, and if corporate powers are so essential to their permanent prosperity and usefulness, and these powers can be granted with entire safety to the public interests—what course does sound policy dictate? It would seem to be as clear as the sun in the heavens. Shall we hesitate to pursue it? By your own acts we have decided that it is inexpedient to create these institutions by legislative enactment, and endow them from the public resources. But are we prepared to say that none shall exist within our bounds, when they are the pride of surrounding states? Shall Illinois, with its unrivalled location, beauty, fertility, and natural resources, which prepare it to stand pre-eminent in the confederacy, expose herself to the denunciation of all her sister states, by refusing to foster literary institutions? Will not the wisdom, liberality, and enlarged views of this body avert such reproach from our legislative councils? Or shall it be echoed and re-echoed throughout the land, and go down to posterity, that Illinois, and Illinois alone, has refused her assent, *even* to the incorporation of academies or colleges?

If literary institutions are not created by legislative enactment, and sustained by the resources of the state, it must be done, if they exist at all, by individual enterprize. Then, if we are unprepared to say that *colleges shall not exist*—why not grant the petitions before us? Are not these different boards of trustees composed of our fellow-citizens—and are they not *worthy* citizens? Have they done anything to forfeit public confidence? Have we evidence that any other associations could do the work better? Shall we single out any body of men, so long as they show themselves worthy of public confidence, and are engaged in promoting the public good, and deny them those powers and privileges which any association of our fellow-citizens might justly ask at our hands? Why, then, we repeat, not grant the prayer of these petitioners? Shall they meet with a cold repulse?

Shall their generous ardor in this noble work be thus suppressed? Are we ready to say to any body of our fellow-citizens who have exhibited such a spirit of enterprize, and labored with so commendable a zeal, and met with so much success—we will not sustain you?

But these men have some *peculiar* claims upon our confidence and support. They commenced their operations in the infancy of our state—when the means of education were exceedingly limited, and schools of every description were few and far between. They do not simply *prepare* to educate those who shall *hereafter* come upon the stage—but the *present generation also*. The cry now is from all parts of the state—educate the *present generation*. The petitioners are ready to vociferate the same loud and long. This is the *very thing* that they propose to aid in accomplishing. They come to us and point to the *present state* of education in Illinois, and simply ask us to afford them such facilities as will enable them to prosecute this noble work without embarrassment. Shall we, then, withhold from them that countenance and support which they ask? It would seem that *none* could be more deserving of encouragement than the *pioneers* in the cause of education. In the opinion of your committee, the petitioners are richly entitled to the confidence of their fellow-citizens, and the support of ourselves as a Legislature.

We need not spend time in attempting to prove, that corporate powers are important to the interests of these several institutions. The petitioners ask for nothing *peculiar*, and our previous remarks have put that point at rest. The remarks which we have also made with regard to the safety of literary corporations, will settle the question whether the powers prayed for by the petitioners, can be granted with safety to the public interests. As nothing is asked which is inconsistent with our constitution or laws, your committee are of opinion, that the reputation of this state, and of ourselves as a legislature, would be put in much greater jeopardy by *rejecting* the prayer of the petitioners, than the public interests would be by *granting* it.

It ought to be understood that by refusing to incorporate these three institutions, so judiciously located, we do *our* part towards consigning them to absolute ruin, or entailing upon them an enfeebled existence. But, blot them *all* out—and where shall the young men of Illinois resort for that education which such institutions alone can furnish. Blot *these* out, and not another survives, except in the extreme South. *Embarrass their operations* by refusing them those powers and privileges which they ask, and just in the same proportion we roll back the cause of education in our beloved state. Shall we do either? Let us rather extend the helping hand to these our fellow-citizens and say to them—“*Onward in your noble work?*” Let *this* Legislature have the credit of protecting and fostering three institutions which have already been, for years, engaged in scattering the blessings of education among us, and give fair promise of becoming a lasting honor to Illinois.

They therefore report a bill in pursuance of the prayers of the petitioners, entitled

*"An act to incorporate the Colleges therein named."*

Said bill was then read the first time, and

*Ordered* to a second reading.

On motion of Mr. Edwards,

The following preamble and resolutions were unanimously adopted, viz.::

*"Whereas it is the opinion of the Legislature of the State of Illinois, now in session, that the route which the national road would pursue, if extended so as to cross the Mississippi river at the town of Alton, would be in entire accordance with its ultimate destination, the capital of the State of Missouri, would be more advantageous to the commercial and agricultural interests of this state, and afford to her inhabitants and those of her sister states, a more direct and convenient chain of intercommunication than any other route: and whereas the passage of said road across the Mississippi river at St. Louis, would not only be highly detrimental to the prosperity of this state, but in violation of her just pretensions of her right of sovereignty, contrary to the avowed policy of the General Government, and in open defiance of those principles of even-handed justice and impartiality which have characterized her dealings with other states in relation to this matter, therefore,*

*Be it enacted by the General Assembly of the State of Illinois, That the consent of the State of Illinois is hereby given to the General Government to extend the national road thro' the territory of said State so as to cross the Mississippi river at the town of Alton, in said State, and at no other point.*

*Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure the passage of a law authorizing the survey of the route from Vandalia to Jefferson City, by the way of Alton, and for the continuation of the national road upon said route.*

*Ordered* that the Secretary inform the House of Representatives of the adoption of said preamble and resolution, and ask their concurrence therein.

Mr. Hacker, from the select committee to whom was referred the bill from the House of Representatives entitled

*"An act concerning county surveyors and clerks,"*

*Reported the same back to the Senate without amendment, and recommended the rejection thereof. Whereupon,*

On motion of Mr. Snyder, said bill was laid on the table.

A message from the House of Representatives by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed to inform you that the House of Representatives have refused to read a third time the bill from the Senate entitled

“An act to amend an act entitled an act relating to courts of probate;” approved Jan. 2, 1829. And he withdrew.

On motion of Mr. Will,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so altering the present probate law as to make the settlement made by an executor or administrator with the probate court, final; and that the settlement may be plead in bar of any suit commenced against an executor or administrator.

The bill from the House of Representatives entitled

“An act to amend an act regulating mills and millers,” approved Feb. 9, 1827,

Was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Hacker,

The rules of the Senate were dispensed with, and the bill Read the second time by its title, and,

On motion of Mr. Will,

Referred to a select committee.

*Ordered* that Messrs. Will, Hacker, and Williams, be the committee.

The bill from the House of Representatives entitled

“An act to authorize Ezra Baker, jr. to erect a mill dam near Coffee Island, on the Great Wabash river,”

Was read the first time; and

*Ordered* to a second reading.

On motion of Mr. Davidson,

The rules of the Senate were dispensed with, and the bill

Read the second time by its title, and

*Ordered* to a third reading.

The amendment of the House of Representatives to the resolution from the Senate “requesting the Governor to forward to our Senators and Representatives in Congress copies of all such resolutions and memorials as may be adopted by the present General Assembly,” was then concurred in.

*Ordered* That the Secretary inform the House of Representatives thereof.

Mr. Vance asked and obtained leave to introduce a bill entitled

"An act to establish the seat of justice of Iroquois county,"  
Which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Mather,

The rules of the Senate were dispensed with, and the bill Read the second time by its title; and

On motion of Mr. Vance, laid on the table.

On motion of Mr. Maxwell,

The bill entitled "An act concerning a state road therein named," with the amendment of the House of Representatives thereto, being under consideration, was amended by striking out the word "injury" in the 1st section, and inserting, in lieu thereof, the word "interest." Whereupon,

The bill and amendment were

Referred to a select committee.

*Ordered* that Messrs. Maxwell, Whiteside, and Craig, be the committee.

The bill from the House of Representatives, entitled  
"An act to extend the jurisdiction of justices of the peace in certain cases therein named,"

Was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Thomas,

The rules of the Senate were dispensed with, and the bill Read a second time by its title; and

Referred to the committee on the Judiciary.

The question being put on concurring with the House of Representatives in the adoption of the memorial from the House, praying Congress for remuneration for losses sustained by Hezekiah West's father during the revolutionary war,

It was decided in the affirmative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

On motion of Mr. Davidson,

The Senate then receded from their fourth amendment to the bill from the House of Representatives, entitled

"An act to incorporate Mount Carmel, in Wabash county."

*Ordered* that the Secretary inform the House of Representatives thereof.

The bills from the House of Representatives, entitled

"An act declaring the Snicarty, a branch of the Mississippi river, a navigable stream," and

"An act to organize the county of Mercer,"

Were severally read the first time, and

*Ordered* to a second reading.

On motion of Mr. Thomas,

The rules of the Senate were dispensed with, and the said bills severally read the second time by their titles, and

*Ordered* to a third reading.

The bill from the House of Representatives, entitled "An act to prevent trespassing on the canal lands of this state;"

Was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Ewing,

The rules of the Senate were dispensed with, and the bill Read the second time by its title, and,

On the further motion of Mr. Ewing,

Referred to the committee on Internal Improvements.

The bills from the House of Representatives, entitled

"An act to amend an act entitled "an act to lay out a state road from Peoria to Chicago;" and

"An act for the benefit of the widow and heirs of Reuben Goddard, deceased;"

Were severally read the first time, and

*Ordered* to a second reading.

The amendment of the House of Representatives to the amendment of the Senate to the bill from the House of Representatives, entitled

"An act to establish a state road from Crow's, in the county of Morgan, by the way of Athens, in Sangamon county, to Musick's bridge on Salt creek;" being under consideration, was,

On motion of Mr. Thomas,

Laid on the table.

The bill from the House of Representatives, entitled

"An act to incorporate the Jacksonville and Meredocia Railroad Company,"

Was read the first time; and,

*Ordered* to a second reading.

On motion of Mr. Jones,

The rules of the Senate were dispensed with, and the bill Read the second time, by its title, and

*Ordered* to a third reading.

The bill from the House of Representatives, entitled

"An act to change a state road therein named,"  
 Was read the first time, and  
*Ordered* to a second reading.

The bill from the House of Representatives, entitled  
 "An act to incorporate the Carmi Bridge Company,"  
 Was read the first time, and  
*Ordered* to a second reading.

On motion of Mr. Gatewood,

The rules of the Senate were dispensed with, and the bill  
 Read the second time, by its title, and  
*Ordered* to a third reading.

On motion,

The Senate adjourned until 2 o'clock.

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2 o'clock, P. M.

Senate met pursuant to adjournment:

A message from the Council of Revision, by William H. Brown, their clerk.

MR. SPEAKER:—The Council of Revision have approved bills of the following titles, viz:

"An act establishing a state road."

"An act to amend an act regulating enclosures."

"An act to change a part of the state road leading from Hillsboro' to Shelbyville."

"An act to change part of the state road leading from Ma-comb to Havana."

"An act for the benefit of the clerk of the circuit and county commissioners' court of La Salle county."

"An act to incorporate the Jacksonville Female Academy," and

"An act supplemental to an act entitled "An act relative to Wills and Testaments."

And he withdrew.

The bill from the House of Representatives, entitled  
 "An act in relation to Bank Collectors,"

Was read the first time, and,  
*Ordered* to a second reading.

On motion of Mr. Thomas,

The rules of the Senate were dispensed with and the bill read the second time by its title, and

Referred to the committee on Finance.

The bill from the House of Representatives, entitled "An act to change part of the state road from Springfield to Alton,"

Was read the first time, and

*Ordered* to a second reading.

Mr. Forquer, from the select committee to whom was referred the bill entitled "An act for the construction of the Illinois and Michigan canal,"

Reported the same back to the Senate with sundry amendments. Whereupon,

On motion of Mr. Ewing,

The report of the committee was amended by filling the last blank in the 18th section with the word "four."

A division of the question having been called for on concurring in the amendments of the select committee.

The question was first put on concurring in the first amendment of the select committee, and

Decided in the affirmative.

The second, third, fourth, fifth, and sixth amendments of the select committee, were then also concurred in.

The question was then put on concurring in the seventh amendment of the select committee, which proposed to strike out the 42d section of the bill; and

Decided in the negative.

The last amendment of the select committee to said bill was then also concurred in.

On motion of Mr. Edwards,

The 18th section of said bill was further amended by striking out the words "to be not" before the word "less," and inserting in lieu thereof the words "shall not be;" and by striking out the word "they," in the 7th line of said section, and inserting in lieu thereof, the words "the canal commissioners."

On motion of Mr. Gatewood,

The 44th section of said bill was amended by inserting in the 12th line after the word "add," the following, viz.:

"And also the amount, time, and rate of any loan made by virtue of this act."

The question was then put, Shall the bill, as amended, be engrossed and read the third time?

And the Ayes and Nays having been called for by Messrs. Hacker and Lane,

It was decided in the affirmative.—Ayes 14—Nays 8.

Those voting in the affirmative, are

Messrs. Bond, Edwards, Ewing, Forquer, Jones, Mather, Maxwell, Mitchell, Rattan, Stephenson, Taylor, Thomas, Vance, and Williams.—14.

Those voting in the negative, are

Messrs. Craig, Gatewood, Hacker, Lane, Noel, Snyder, Will, and Williamson.—8.

The bill from the House of Representatives entitled  
“An act concerning marks and brands,”

Was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Thomas,

The rules of the Senate were dispensed with, and the bill  
Read the second time by its title, and

Referred to a select committee.

*Ordered* that Messrs. Vance, Rattan, and McGahey be the  
committee.

Mr. Ewing asked and obtained leave to introduce the re-  
monstrance of sundry citizens of Tazewell and McLean coun-  
ties, against any alteration of the county line between said  
counties; and,

On motion of Mr. Mitchell,

The reading thereof was dispensed with; and the same

Referred to the same select committee to whom was refer-  
red the petition relative to the same subject.

The bill from the House of Representatives, entitled  
“An act for the relief of Willard Twiss,”

Was read the first time, and,

*Ordered* to a second reading.

On motion of Mr. Ewing,

The rules of the Senate were dispensed with and the bill  
Read the second time by its title, and,

*Ordered* to a third reading.

On motion of Mr. Hacker,

The rules of the Senate were further dispensed with and  
bill was read the third time, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that  
the Secretary inform the House of Representatives thereof.

A message from the House of Representatives, by Mr.  
Prickett, their Clerk.

MR. SPEAKER:—I am directed to inform you that the House of Representatives have passed bills of the following titles, viz.:

“An act for the relief of Warren county.”

“An act concerning the revenue of counties;” and

“An act for the benefit of the persons therein named.”

In the passage of which they ask the concurrence of the Senate.

They have concurred in the amendment of the Senate to the amendment of the House of Representatives to the amendment of the Senate to the bill from the House of Representatives, entitled

“An act for the benefit of the sheriffs therein named,”

And he withdrew.

The bills from the House of Representatives, entitled

“An act to limit the jurisdiction of justices of the peace,” and

“An act to authorize the sale of certain school lands, therein named,”

Were severally read the first time, and

*Ordered* to a second reading.

The bill from the House of Representatives, entitled

An act to locate a State road from Shelbyville to the Great Wabash river, in Lawrence county, opposite Vincennes, in Indiana,”

Was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Noel,

The rules of the Senate were dispensed with, and

The bill was read the second time by its title, and

Referred to a select committee.

*Ordered*, That Messrs. Noel, Lane and Williamson be that committee.

The bill from the House of Representatives, entitled

“An act declaring the road from Mount Vernon to New Nashville, a state road;” and

Was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Mather,

The rules of the Senate were dispensed with, and

The bill was read the second time by its title, and

*Ordered* to a third reading.

The bill from the House of Representatives, entitled

"An act for the relief of a person therein named,"  
 Was read the first time, and  
*Ordered* to a second reading.

The bill from the House of Representatives, entitled  
 "An act to locate a state road therein named, and for other  
 purposes,"

Was read the first time, and  
*Ordered* to a second reading.

On motion of Mr. Maxwell,  
 The rules of the Senate were dispensed with, and  
 The bill was read the second time by its title, and  
 On motion of Mr. Williams,  
 Referred to a select committee.

*Ordered*, That Messrs. Williams, Jones and Maxwell be  
 that committee.

On motion of Mr. Thomas,

The bill from the House of Representatives, heretofore laid  
 on the table, entitled

"An act to increase the number of election precincts in the  
 counties of Morgan and Madison,"

Was taken up, and

*Ordered* to a third reading.

On motion of Mr. Thomas,

The rules of the Senate were dispensed with, and  
 The bill was read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that  
 the Secretary inform the House of Representatives thereof.

The engrossed bills entitled

"An act for the benefit of the town of Quincy, in Adams  
 county, and

"An act, to amend an act, appropriating a portion of the  
 avails arising from the sale of the saline lands in Gallatin  
 county, to Internal Improvements, approved Feb. 16, 1831,"

Were severally read the third time, and passed

*Ordered* that the titles of the bills be as aforesaid, that the  
 Secretary inform the House of Representatives thereof, and  
 ask their concurrence therein.

The bill from the House of Representatives, entitled

"An act to authorize the County Commissioners' Court of  
 Randolph and Perry to refund certain taxes,

Was read the third time, and

On motion of Mr. Mather,

Amended, by striking out the word "and" in the 9th line of  
 said bill.

The bill, as amended, was then passed.

*Ordered* That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives entitled

“An act to authorize the county court of Montgomery county to change a certain state road therein named,”

Was read the third time, by its title, and passed.

*Ordered* That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The engrossed bill entitled “An act concerning religious societies,”

Was read the third time, and,

On motion of Mr. Maxwell,

Amended, by striking out the word “ten” in the first section, and inserting, in lieu thereof, the word “five.”

Mr. Hacker moved to lay said bill on the table.

Which was not agreed to.

The question was then put, Shall the bill pass?

And the ayes and nays having been called for by Messrs. Lane and Noel,

It was decided in the affirmative.—Ayes 13.—Nays 7.

Those voting in the affirmative, are,

Messrs. Edwards, Hacker, Jones,, Mather, Rattan, Stephen-  
son, Taylor, Thomas, Vance, Whiteside, Will, and Williams.  
12.

Those voting in the negative, are,

Messrs. Craig, Gatewood, Lane, Maxwell, Noel, Snyder,  
and Williamson.—7.

The bill from the House of Representatives entitled

“An act changing an appropriation heretofore made to the county commissioners’ court of Vermillion county, to the county commissioners’ court of Champaigne county,”

The engrossed bills entitled

“An act to revive and continue in force an act authorizing a review of a part of the Vincennes and Chicago road,” and  
“An act to lay out a road from Moses Thomas’ in Cham-  
paigne county, to Bloomington, in McLean county,”

The bill from the House of Representatives, entitled

“An act declaring Big Muddy a navigable stream,”

The engrossed bill entitled

“An act concerning the sale of certain school lands in the county of Tazewell,”

The bill from the House of Representatives entitled

"An act supplemental to an act to incorporate such persons as may associate for the purpose of procuring and erecting public libraries in this state," approved January 31, 1823, and

The engrossed bill entitled

"An act for the relief of Cook county,"

Were severally read the third time, and passed.

*Ordered*, That the titles of the bills be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The engrossed bill entitled

"An act authorizing A. T. Crow, John Foley, and Luther H. Bowen to build a toll bridge across Fever river," was,

On motion of Mr. Stephenson,

Referred to a select committee.

*Ordered* that Messrs. Stephenson, Forquer, and Mitchell, be the committee.

The engrossed bill entitled

"An act to amend an act entitled an act to amend an act entitled an act to provide for the election of justices of the peace and constables;" approved Jan. 7, 1835,

Was read the third time, and passed.

*Ordered* that the title of the bill be as aforesaid, that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill entitled

"An act to extend for a limited time the charter of the Bank of Illinois at Shawneetown," was read the third time.

The question was then put, Shall the bill pass?

And the ayes and nays having been called for by Messrs. Rattan and Noel,

It was decided in the affirmative.—Ayes 11.—Nays 8.

Those who voted in the affirmative, are

Messrs. Gatewood, Lane, Mather, Maxwell, Stephenson, Thomas, Vance, Whiteside, Will, Williams, and Williamson. 11.

Those voting in the negative, are

Messrs. Craig, Davidson, Edwards, Hacker, Jones, Noel, Rattan, and Snyder.—8.

*Ordered* that the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill entitled "An act changing part of a state road from the mouth of the Ohio, in Alexander county, to Jonesboro', in Union county,"

Was read the third time and passed.

*Ordered*, That the title of the bill be as aforesaid, that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled "An act to amend an act declaring what laws of a general nature shall be published with the acts of a general nature of this session," approved March 2d, 1833,

Was read the third time, and passed.

*Ordered* that the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed by the House of Representatives to inform the Senate that they have adopted the following resolution, viz.:

*Resolved by the General Assembly of the State of Illinois*, That our Senators in Congress be instructed and our Representatives requested to use their best exertions to procure the passage of a law making an appropriation to clear out the obstructions to the navigation of the Illinois river from its mouth to the foot of the Rapids;"

In the adoption of which they ask the concurrence of the Senate.

They have concurred with the Senate in the adoption of the preamble and resolutions relative to the continuation of Cumberland road through the state of Illinois, so as to cross the Mississippi river at Alton.

And he withdrew.

On motion,

The Senate adjourned.

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WEDNESDAY, January 28, 1835.

Senate met pursuant to adjournment;

A message from the House of Representatives, by Mr. Prickett, their Clerk.

MR. SPEAKER:—I am directed to inform the Senate that the

House of Representatives have concurred with them in the adoption of the resolution having for its object the appointment of a joint select committee to "digest and publish in pamphlet form, the present school laws, with such amendments as the present Legislature may engrift thereon;" &c. and have appointed Messrs. Gregory, Frazer, and Murphy, the committee on their part.

They have concurred with the Senate in the adoption of the preamble and resolution in favor of ancient settlers in Illinois." And he withdrew.

Mr. Thomas, from the committee on Enrolled Bills, reported as correctly enrolled bills of the following titles, viz.:

"An act concerning public roads."

"An act to amend an act regulating elections."

"An act to change a part of the state road leading from Greenville to Vandalia."

"An act to change a part of the state road from Vincennes to Chicago as lies in Crawford county."

"An act further to amend an act to authorize James Nabb to build a toll bridge across the Embarrass river." Also,

A preamble and resolution in relation to the national road.

Mr. Will asked and obtained leave to introduce the petition of sundry citizens of Sangamon county, praying the establishment of a state bank;

Which was read, and,

On motion of Mr. Williams,

Laid on the table.

Mr. Stephenson, from the committee on Internal Improvements, to which was referred the bill from the House of Representatives entitled

"An act to prevent trespassing on the canal lands of this state;"

Reported the same back to the Senate without amendment.

*Ordered*, that the bill be read the third time.

Mr. Snyder, from the committee on Finance, to whom was referred the bill entitled "An act concerning public records;"

Reported the same back to the Senate without amendment.

Mr. Hacker moved to amend said bill by adding the following proviso to the 5th section, viz.:

"Provided, said expense shall not exceed one hundred dollars." Whereupon,

On motion of Mr. Mather,

The said bill and proposed amendment were

Referred to the committee on the Judiciary.

Mr. Hacker, from the joint select committee which was instructed to draft and report a bill "fixing the times of holding the circuit courts," &c. reported a bill entitled

"An act regulating the times of holding the Supreme and Circuit Courts, and fixing the salaries of the Circuit Judges;"

Which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Hacker,

The rules of the Senate were dispensed with, and the bill read the second time by its title, and,

On the further motion of Mr. Hacker,

Referred to the committee on the Judiciary.

On motion of Mr. Hacker,

The bill heretofore laid on the table, entitled

"An act supplementary to 'an act to establish a uniform mode of holding Circuit Courts,'" approved Jan. 7, 1835,

Was taken up, and

Referred to the committee on the Judiciary.

Mr. Maxwell, from the select committee to whom was referred the bill entitled

"An act concerning a state road therein named,"

With the amendments of the House of Representatives thereto,

Reported the same back to the Senate without amendment.

The question was then put on concurring in the amendments of the House of Representatives to said bill, and

Decided in the affirmative.

*Ordered*, That the title of the bill be as amended by the House of Representatives, and that the Secretary inform the House of Representatives thereof.

Mr. Vance, from the select committee to whom was referred the bill from the House of Representatives, entitled

"An act concerning marks and brands,"

Reported the same back to the Senate without amendment.

*Ordered* that the bill be read the third time.

Mr. Stephenson, from the select committee to whom was referred the bill from the House of Representatives entitled

"An act to provide for building a toll bridge across the Little Calamic,

Reported the same back to the Senate with an amendment, which was read and concurred in.

*Ordered* that the bill, as amended, be read the third time.

Mr. Williams, from the select committee to whom was referred the bill from the House of Representatives, entitled

"An act to locate a state road therein named, and for other purposes,"

Reported the same back to the Senate with an amendment, Which was read and concurred in.

*Ordered* that the bill, as amended, be read the third time.

On motion of Mr. Williams,

The rules of the Senate were dispensed with, and the bill Read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendment to the same.

Mr. Thomas, from the committee on the Judiciary, to whom was referred the bill entitled

"An act to amend an act concerning judgments and executions," approved Jan. 17, 1825, with the amendments proposed thereto by the committee of the whole,

Reported the same back to the Senate with sundry amendments. Whereupon,

On motion of Mr. Gatewood,

The bill and proposed amendments were recommitted to the committee on the Judiciary.

On motion of Mr. Taylor,

*Resolved*, That the committee on Military Affairs be instructed to inquire into the propriety of repealing the law allowing compensation to brigade inspectors.

Mr. Maxwell asked and obtained leave to introduce a bill entitled "An act to locate a state road from Rushville to Monmouth,"

Which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Maxwell,

The rules of the Senate were dispensed with, and the bill Read the second time, by its title, and

*Ordered* to be engrossed for a third reading.

Mr. Whiteside asked and obtained leave to introduce a bill entitled

"An act to locate a road from Golconda, in Pope county, to Pinckneyville, in Perry county,"

Which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Whiteside,

The rules of the Senate were dispensed with, and the bill Read the second time by its title.

Mr. Will moved to amend said bill by striking out the name of "Cudworth Harrison," and inserting, in lieu thereof, the name of "Samuel Russell;"

Which was not agreed to.

Mr. Will then moved to lay the bill on the table;

Which was also not agreed to.

The said bill was then

*Ordered* to be engrossed for a third reading.

Mr. Ewing, from the select committee to whom was referred the bill entitled

"An act to incorporate the subscribers to the State Bank of Illinois,"

Reported the same back to the Senate with an amendment,  
Which was read. Whereupon,

On motion,

The Senate adjourned until 2 o'clock.

2 o'clock, P. M.

Senate met pursuant to adjournment.

The report of the select committee on the bill entitled "An act to incorporate the subscribers to the Bank of the State of Illinois," being under consideration, was,

On motion of Mr. Ewing,

Amended, by adding thereto the following sections, viz.:

Sec. 33. All conveyances of real estate shall be made and signed by the President of this corporation, and shall have affixed to said conveyance the seal thereof.

Sec. 34. It shall not be lawful for this corporation, under penalty of the forfeiture of its charter, to issue any bank bills of a less denomination than five dollars: and the power is hereby reserved to the Legislature, fifteen years after the passage of this act, should it be considered adviseable, to further restrict the corporation from issuing any bank bills of a less denomination than ten dollars.

On motion of Mr. Mather,

The report of the select committee was further amended by adding the following proviso to the 23d section, viz.:

*"Provided,* That the interest may be taken in advance, in accordance with the usual practice of similar institutions."

The report of the select committee, as amended, was then concurred in.

*Ordered* that the bill be engrossed for a third reading.

On motion of Mr. Ewing,

The rules of the Senate were dispensed with and the bill Read the third time, by its title.

The question was then put, Shall the bill pass?

And the Ayes and Nays having been called for by Messrs. Lane and Rattan,

It was decided in the affirmative.—Ayes 13.—Nays 11.

Those voting in the affirmative, are

Messrs. Bond, Ewing, Forquer, Mather, Maxwell, Mills, Mitchell, Stephenson, Taylor, Thomas, Will, Williams, and Williamson.—13.

Those voting in the negative, are

Messrs. Craig, Davidson, Edwards, Hacker, Jones, Lane, Noel, Rattan, Snyder, Vance, and Whiteside.—11.

*Ordered* that the title of the bill be as aforesaid, that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled

"An act to amend an act entitled an act to regulate the penitentiary," approved Feb. 19, 1833,

Was read the second time, and,

On motion of Mr. Hacker,

Referred to a select committee.

*Ordered* that Messrs. Hacker, Bond, and Stephenson, be the committee.

The engrossed bill entitled

"An act for the construction of the Illinois and Michigan Canal,"

Was read the third time; and

The question being put, Shall the bill pass?

And the ayes and nays having been called for by Messrs. Lane and Davidson,

It was decided in the affirmative.—Ayes 14.—Nays 10.

Those who voted in the affirmative, are

Messrs. Bond, Edwards, Ewing, Forquer, Jones, Mather, Maxwell, Mitchell, Rattan, Stephenson, Taylor, Thomas, Vance, and Williams.—14.

Those who voted in the negative, are

Messrs. Craig, Davidson, Hacker, Lane, Mills, Noel, Snyder, Whiteside, Will, and Williamson.—10.

*Ordered* that the title of the bill be as aforesaid, that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled  
“An act to provide for the enclosure of salt petre caves in this State,”

Was read the second time, and

*Ordered* to a third reading.

On motion of Mr. Williams,

The engrossed bill entitled

“An act authorizing clerks of the circuit courts to grant writs of *ne exeat*,” which was heretofore laid on the table,

Was taken up and passed.

On motion of Mr. Thomas,

The title of said bill was amended so as to read

“An act to provide for issuing writs of *ne exeat* and *habeas corpus*, and for other purposes.”

*Ordered* that the title of the bill be as amended, that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill entitled “An act to authorize Aurelia Hotchkiss to sell or exchange a certain tract of land,”

Was read the second time; and,

On motion of Mr. Noel,

Referred to a select committee.

*Ordered*, That Messrs. Noel, Thomas, and Bond, be the committee.

On motion of Mr. Edwards,

The engrossed bill entitled

“An act to provide for the distribution and application of the interest on the school, college, and seminary funds,” was taken up, and,

On the further motion of Mr. Edwards,

Amended, by striking out all after the word “fund” in 29th line of 5th section, and inserting an additional section, viz.:

“SEC. 7. No part of any township fund shall be made to constitute any part of a county fund; and teachers employed in townships having no productive fund, who keep schedules and make returns as is required in townships having productive funds, shall be entitled to a distributive share of the state

fund, and the township funds shall be paid to teachers at the time now required by law:"

Also, by adding the following proviso to the 4th section:

*"Provided;* That in making the distribution of the state fund, for the present year, no teacher shall be paid for any services rendered before the first day of June next."

The bills from the House of Representatives, entitled

"An act to authorize Ezra Baker, jr. to erect a mill dam near Coffee Island, on the Great Wabash river,"

"An act declaring the Snicarty, a branch of the Mississippi river, a navigable stream," and

"An act to organize the county of Mercer,"

Were severally read the third time, by their titles, and passed.

*Ordered* That the titles of the bills be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion,

The Senate adjourned.

THURSDAY, January, 29, 1835.

Senate met pursuant to adjournment.

Mr. Edwards asked and obtained leave to introduce the petition of Daniel Tolman and Dorcas Tolman; and,

On his motion,

The reading thereof was dispensed with; and the petition Referred to the Committee on Petitions.

Mr. Mather, from the Committee on Petitions, to whom was referred the petitions of sundry citizens of Tazewell county, praying that courts of justice of said county may be removed to the town of Mackinaw; also, that commissioners be appointed to locate the county seat of said county;

Reported the same back to the Senate, and asked to be discharged from the further thereof.

On the question, Shall the committee be discharged from the further consideration of said petition,

It was decided in the affirmative.

Mr. Stephenson, from the select committee to whom was

referred the bill from the House of Representatives, entitled "An act to change the corporate powers of the town of Chicago,"

Reported the same back to the Senate without amendment.  
*Ordered*, that the bill be read the third time.

On motion of Mr. Will,

*Resolved*, That the public printer be requested to publish in his weekly paper all the acts of a public nature passed at the present session of the General Assembly.

On motion of Mr. Ewing,

*Resolved*, That the Auditor of Public Accounts, Treasurer, and Secretary of State, be required to report to the Senate, whether their respective offices afford sufficient room for the convenient custody of the public records, papers, and books of the State; and whether those offices can be considered safe depositories of the records, papers, and books.

On motion of Mr. Ewing,

*Resolved*, That the committee on Finance inquire into the expediency of passing a law to induce the more prompt discharge of the debts due from individuals to the State Bank.

Mr. Maxwell asked and obtained leave to introduce a bill entitled "An act amending an act erecting the county of Tazewell," and the several acts supplemental thereto;"

Which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Mitchell,

The rules of the Senate were dispensed with, and the bill

Read the second time by its title, and

*Ordered* to be engrossed for a third reading.

Mr. Stephenson asked and obtained leave to introduce a bill entitled

"An act to lay out a state road therein mentioned,"

Which was read the first time, and

*Ordered* to a second reading.

Mr. Edwards asked and obtained leave to introduce a bill entitled "An act to incorporate the Alton Hotel Company,"

Which was read the first time, and

*Ordered* to a second reading.

Mr. Forquer moved for adoption the following resolution, viz.:

*Resolved*, That the committee on Finance be instructed to inquire into and report to the Senate, what have been the proceedings under "An act providing for the sale of the Vermil-

lion Saline, and appropriating the avails thereof," approved Jan. 19, 1829; that they ascertain whether enough money has been made to meet the appropriations in the 12th and 13th sections of said act.

On motion of Mr. Mather,

The said resolution was amended by adding the following, viz.:

"Also, into the condition of said Saline, so far as regards its effect upon the finances of the State."

The said resolution, as amended, was then adopted.

Mr. Hacker asked and obtained leave to introduce a bill entitled "A bill for an act,"

Which was read the first time, and,

On motion of Mr. Hacker,

Laid on the table.

Mr. Williams, from the committee on Petitions, to whom was referred the bill from the House of Representatives, entitled "An act to remove the seat of justice of Adams county," with the accompanying documents,

Reported the same back to the Senate with an amendment, which was read and concurred in.

*Ordered* that the bill, as amended, be read the third time.

Mr. Mather asked and obtained leave to introduce a bill entitled "An act in addition to an act supplemental to an act entitled an act to provide for raising a revenue;"

Which was read the first time, and

*Ordered* to a second reading.

Mr. Stephenson asked and obtained leave to introduce a bill entitled "An act relating to limited partnerships,"

Which was read the first time, and

*Ordered* to a second reading.

Mr. Maxwell asked and obtained leave to introduce a bill entitled "An act to locate a state road from Knoxville to New Boston;"

Which was read the first time, and

*Ordered* to a second reading.

Mr. Snyder asked and obtained leave to introduce a bill entitled "An act to authorize the building of a bridge across the Kaskaskia river, in St. Clair county;"

Which was read the first time, and

*Ordered* to a second reading.

Mr. Ewing asked and obtained leave to introduce bills of the following titles, viz.:

"An act to amend an act to provide for the taking of the census or enumeration of the inhabitants of the State."

"An act for the relief of John G. McDonald," and

"An act to create a lottery for the purposes therein expressed;"

Which were severally read the first time, and  
*Ordered* to a second reading.

On motion of Mr. Ewing,

The rules of the Senate were dispensed with, and the bills severally read the second time by their titles, and

Referred to a select committee.

*Ordered* that Messrs. Ewing, Davidson, and Jones, be the committee.

Mr. Davidson asked and obtained leave to introduce bills of bills of the following titles, viz.:

"An act incorporating a rail road company;" and  
 "An act relative to hard money;"

Which were severally read the first time, and  
*Ordered* to a second reading.

On motion of Mr. Davidson,

The rules of the Senate were dispensed with, and the bills severally read the second time, by their titles, and

Referred to a select committee.

*Ordered* that Messrs. Davidson, Snider, and Ewing, be the committee.

Mr. Snyder asked and obtained leave to introduce a bill entitled

"An act to incorporate the within named persons into a company to construct a railroad from the coal mines at the Bluffs, in St. Clair county, to the Mississippi river, opposite St. Louis, in St. Clair county;"

Which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Snyder,

The rules of the Senate were dispensed with, and the bill

Read the second time by its title, and

Referred to a select committee.

*Ordered*, That Messrs. Snyder, Hacker, and Bond, be the committee.

Mr. Mather proposed for adoption the following resolution, viz.:

"Resolved, That the committee on Salines be instructed to report the condition of the Gallatin county Saline, also the

amount of sales of land at said Saline, the quantity remaining unsold, and the amount of sales accounted for."

On motion of Mr. Davidson,

The said resolution was amended by adding thereto the following, viz.:-

"And also inquire into the expediency of abolishing the office of commissioner for the sale of the Saline lands."

The resolution, as amended, was then adopted.

Mr. Will asked and obtained leave to introduce a bill entitled "An act to amend an act to authorize the commissioners' court of Jackson county, to establish a free ferry for the citizens of that county, across Big Muddy river;"

Which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Will,

The rules of the Senate were dispensed with, and the bill

Read the second time by its title; and

Referred to a select committee.

*Ordered* That Messrs, Will, Vance, and Whiteside, be the committee.

Mr. Mills asked and obtained leave to introduce a bill entitled

"An act to incorporate the Wabash Life Insurance Company;"

Which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Mills,

The rules of the Senate were dispensed with, and the bill

Read the second time, by its title, and

Referred to a select committee.

*Ordered* That Messrs. Mills, Mather, and Thomas, be the committee.

Mr. Mitchell asked and obtained leave to introduce a bill entitled

"An act to appoint commissioners to review so much of the state road leading from the county seat of Peoria to the state line of Indiana, as lies in Tazewell county;"

Which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Mitchell,

The rules of the Senate were dispensed with, and the bill

Read the second time by its title, and

Referred to a select committee.

*Ordered That Messrs. Mitchell, Stephenson, and Vance; be the committee.*

Mr. Stephenson asked and obtained leave to introduce a bill entitled

“An act to authorize the within named commissioners to lay out a state road from Galena to Beardstown, on the Illinois river;”

Which was read the first time, and

*Ordered to a second reading.*

On motion of Mr. Stephenson,

The rules of the Senate were dispensed with, and the bill Read the second time by its title; and

Referred to a select committee.

*Ordered That Messrs. Stephenson, Maxwell, and Williamson, be the committee.*

Mr. Whiteside asked and obtained leave to introduce a bill entitled

“An act to lay out a road from Blair’s ferry to Frankfort, and for other purposes;”

Which was read the first time, and

*Ordered to a second reading.*

On motion of Mr. Whiteside,

The rules of the Senate were dispensed with, and the bill Read the second time, and

Referred to a select committee.

*Ordered That Messrs. Whiteside, Will, and Mills be the committee.*

Mr. Maxwell asked and obtained leave to introduce a bill entitled

“An act to amend the militia laws of this State;”

Which was read the first time; and

*Ordered to a second reading.*

On motion of Mr. Maxwell,

The rules of the Senate were dispensed with and the bill Read the second time, by its title, and

Referred to the committee on Military Affairs.

The resolution proposed for adoption by Mr. Forquer, some days since, relative to rescinding the compact between this State and the United States exempting lands sold by the United States in this State from taxation, for five years from the date of sale, being under consideration,

Mr. Maxwell moved to lay said resolution on the table;

Which was not agreed to.

The said resolution was then adopted.

*Ordered* That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A message from the House of Representatives, by Mr. Scates, their assistant clerk.

**MR. SPEAKER:**—I am directed to inform the Senate that the House of Representatives have adopted resolutions instructing our Senators and requesting our Representatives in Congress, to act in conjunction with the delegates from the states of Indiana, Ohio, and Missouri, to obtain the passage of a law donating five sections of land for every mile, to construct a railroad from the Miami Bay, on Lake Erie, to the Rapids of the Illinois river; and to appoint engineers for that purpose;

In the adoption of which they ask the concurrence of the Senate.

And he withdrew.

On motion,

The Senate adjourned until 2 o'clock.

2 o'clock, P. M.

Senate met pursuant to adjournment.

Mr. Lane asked and obtained leave to introduce bills of the following titles, viz.:

“An act concerning the lessees of the Gallatin Saline.”

“An act relating to the sale of the Gallatin Saline Lands;” and

“An act to establish a state road from Equality to McLeansboro;”

Which were severally read the first time, and

*Ordered* to a second reading.

On motion of Mr. Lane,

The rules of the Senate were dispensed with, and the bills severally read the second time by their titles, and

Referred to a select committee.

*Ordered* That Messrs. Lane, Gatewood, and Mills, be the committee.

Mr. Thomas, from the committee on the Judiciary, to whom was referred the bill entitled

"An act regulating the terms of holding the Supreme and Circuit Courts, and fixing the salaries of the Circuit Judges;"

Reported the same back to the Senate with an amendment, which was read.

Mr. Noel moved to amend the report of the said committee, by striking out the words "eight hundred," in the second section.

Mr. Lane moved to amend the amendment by inserting the words "six hundred."

A division of the question having been called for, the question was first put on striking out;

And the Ayes and Nays having been called for by Messrs. Lane and Noel,

It was decided in the negative.—Ayes 7.—Nays 15.

Those voting in the affirmative, are

Messrs. Bond, Craig, Hacker, Lane, Noel, Rattan, and Snyder.—7.

Those voting in the negative, are

Messrs. Davidson, Edwards, Ewing, Mather, Maxwell, Mills, Mitchell, Stephenson, Taylor, Thomas, Vance, Whiteside, Will, Williams, and Williamson.—15.

Mr. Maxwell moved to amend said report by striking out the word "first," and inserting, in lieu thereof the word "third."

A division of the question having been called for, the question was first put on so striking out; and

Decided in the affirmative.

The question was then put upon inserting the word "third?"

Which was also decided in the affirmative.

The report of the committee, as amended, was then concurred in.

Ordered that the bill be engrossed for a third reading.

A message from the Council of Revision, by William H. Brown, their clerk.

MR. SPEAKER:—The Council of Revision have approved bills of the following titles, viz:

"An act to amend an act regulating elections."

"An act to change a part of the state road leading from Greenville to Vandalia." And

"An act further to amend an act to authorize James Nabb to build a toll bridge across the Embarrass river."

And he withdrew.

Mr. Ewing proposed for adoption the following resolution:

*"Resolved by the people of the state of Illinois represented in the Senate and House of Representatives, That when this General Assembly adjourn, it will adjourn to meet on the first Monday in December, 1835."*—and

On motion of Mr. Ewing,

The said resolution was laid on the table.

Mr. Noel from the select committee to whom was referred the bill from the House of Representatives, entitled

*"An act to authorise Aurelia Hotchkiss to sell or exchange a certain tract of land,"*

Reported the same back to the Senate, with an amendment.

Which was read and concurred in.

*Ordered*, That the bill as amended be read the third time.

Mr. Taylor asked and obtained leave to introduce a bill entitled *"An act concerning the Sangamon River, and for other purposes."*

Which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Taylor,

The rules of the Senate were dispensed with, and the bill read the second time by its title, and

Referred to a select committee.

*Ordered*, That Messrs. Taylor, Jones and Craig, be the committee.

Mr. Williams asked and obtained leave to introduce a bill entitled *"An act concerning evidence"*—which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Williams,

The rules of the Senate were dispensed with, and the bill read the second time by its title, and

*Ordered* to be engrossed for a third reading.

Mr. Vance asked and obtained leave to introduce a bill entitled *"An act making an appropriation to the bridge across the Big Vermillion River."*

Which was read the first time, and

*Ordered* to a second reading.

Mr. Stephenson asked and obtained leave to introduce a bill entitled *"An act for the benefit of the person within named."*

Which was read the first time, and

On motion of Mr. Stephenson,

Laid on the table.

Mr. Will asked and obtained leave to introduce a bill entitled "An act concerning Negroes and Mulattoes," which was read the first time, and

*Ordered to a second reading.*

On motion of Mr. Will,

The rules of the Senate were dispensed with, and the bill read a second time by its title, and

Laid on the table.

Mr. Mills asked and obtained leave to introduce a bill entitled "An act to authorise Ransom Higgins to build a Bridge across Bon Pas Creek, in Edwards county,"

Which was read the first time, and

*Ordered to a second reading.*

On motion of Mr. Mills,

The rules of the Senate were dispensed with, and the bill read the second time by its title, and

Referred to a select committee.

*Ordered,* That Messrs. Mills, Davidson and Lane, be that committee.

Mr. Thomas, from the committee on the Judiciary, to whom was referred the bill entitled, "An act to amend an act entitled 'An act concerning judgments and executions, approved January 17th, 1825,'" with the amendments proposed thereto; reported the same back to the Senate, with an amendment, which was read—whereupon

On motion of Mr. Forquer,

The report of the said committee was amended by inserting after the word "defendants," in the 10th Sec. 9th line, the words "their grantees or assigns."

The question was then put on concurring in the report of the committee, and

Decided in the affirmative.

Mr. Ewing proposed for adoption the following resolution, viz:

*Resolved by the people of the State of Illinois represented in General Assembly convened,* That the proposition to hold a National Convention, to meet at some proper time and place in the United States, with a view to choose some suitable persons to fill the office of President and Vice President of the United States, after the term of service of the present incumbents shall have expired, is the only legitimate mode of concentrating public opinion in relation to this highly important subject.

On motion of Mr. Ewing,  
The said resolution was then  
Laid on the table.

Mr. Hacker, asked and obtained leave to introduce a bill entitled "An act making a partial appropriation," which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Hacker,

The rules of the Senate were dispensed with, and the bill read a second time by its title, and

Referred to a select committee.

*Ordered*, That Messrs Hacker, Gatewood and Williams, be the committee.

Mr. Vance asked and obtained leave to introduce a bill entitled

"An act making certain appropriations,"

Which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Vance,

The rules of the Senate were dispensed with, and the bill read a second time by its title, and

Laid on the table.

Mr. Bond proposed for adoption the following resolution, viz:

*Resolved by the Senate and House of Representatives of the people of the state of Illinois*, That our Senators in Congress be instructed, and our Representatives requested to use their exertions to procure an appropriation from the General Government, for the purpose of improving the navigation of the Kaskaskia River from Vandalia to its confluence with the Mississippi River; and also, that an Engineer be appointed to examine and report the obstructions to the navigation of said River, to the next Congress of the United States, with a statement of the probable sum it will cost to remove such obstructions; and

On motion of Mr. Bond,

The resolution was laid on the table.

Mr. Maxwell asked and obtained leave to introduce a bill entitled

"An act concerning the election of County Commissioners."

Which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Maxwell,

The rules of the Senate were dispensed with and the bill  
read the second time by its title, and

Referred to a select committee.

*Ordered*, That Messrs Maxwell, Mitchell and Thomas, be  
the committee.

Mr. Forquer asked and obtained leave to introduce a bill of  
the following title, viz:

“An act to define and limit the tenure of the office of Secretary of State.”

Which was read the first time, and

On motion of Mr. Forquer,

Laid on the table.

Mr. Noel asked and obtained leave to introduce a bill entitled

“An act for the benefit of the widow and heirs of Oliver Minor, deceased,”

Which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Noel,

The rules of the Senate were dispensed with, and the bill  
read the second time by its title, and

Laid on the table.

Mr. Forquer asked and obtained leave to introduce a bill, entitled

“An act to provide a suitable residence for the Governor,  
and to require him to reside at the seat of Government.”

Which was read the first time, and

*Ordered* to a second reading.

On motion,

The Senate adjourned.

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FRIDAY, January, 30, 1835.

Senate met pursuant to adjournment.

Mr. Williams, from the committee on the Judiciary, to whom was referred the bill entitled

“An act concerning public records,”

Reported the same back to the Senate, without amendment.

*Ordered*, That the bill be engrossed for a third reading.

Mr. Noel from the select committee, to which was referred the bill from the House of Representatives, entitled "An act to locate a State Road from Shelbyville to the great Wabash River, in Lawrence county, opposite Vincennes in Indiana;"

Reported the same back to the Senate without amendment.

*Ordered*, That the bill be read a third time.

Mr. Bond, from the committee on Finance, to whom was referred the petition of Samuel H. Denton, praying compensation for services as deputy Warden of the Penitentiary; reported as follows, viz:

That they had the same under consideration, and after having given to the subject that attention which it merits, directed me to report unfavorable to the prayer of the petition.—The committee, admitting the facts set forth in the petition, are of opinion that the petitioner is not entitled to the relief prayed for. Granting the petitioner was called upon by the Governor of the State to take charge of the prisoners, as set forth in the petition, the committee believe that the sum of forty dollars, stated to have been received by him, is ample compensation for his services in that case. In relation to the period of time, spent by the petitioner, at the instance of the then Warden of the Penitentiary, your committee are of opinion that said Warden was legally bound to compensate the petitioner therefor, and if he saw proper to receive the sum of sixty dollars from the said Warden for the services rendered by him as aforesaid, thereby compromitting his legal rights, the committee must say that the state should not be held responsible. The committee beg to be discharged from the further consideration of the subject.

On the question, shall the committee be so discharged?

It was decided in the affirmative.

Mr. Bond, from the committee on Finance, to whom was referred the resolution instructing them to enquire into the expediency of so amending the revenue laws that all taxable lands may be listed, and the taxes thereon paid and collected in the counties respectively in which the same are situated; reported that,

"The committee are of opinion that it would be inexpedient as well as unjust to amend the law as contemplated in said resolution. It cannot be perceived by the committee, why our citizens, living in either of the counties in the state, and owning lands in others, should be driven to the necessity

of keeping an agent or agents as the case may be, to list and pay the taxes on lands laying in foreign counties, when the law, as it now is, enables them to see to this matter themselves. Besides the trouble which would be given our citizens, should the law be so amended, the committee believe that so much uncertainty would attend the matter as would justify them in reporting against the object of the resolution. The committee therefore, ask to be discharged from the further consideration of the subject.

On the question, shall the committee be so discharged?

It was decided in the affirmative.

Mr. Vance, from the select committee, to whom was referred the petition of sundry citizens of Vermillion county, praying an alteration of the Vincennes and Chicago road;

Reported a bill entitled

"An act for the altering a part of the Vincennes and Chicago road,"

Which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Vance,

The rules of the Senate were dispensed with, and the bill

Read the second time by its title, and

*Ordered* to be engrossed for a third reading.

On motion of Mr. Edwards,

The engrossed bill entitled

"An act to provide for the distribution and application of the interest on the school, college and seminary fund;"

Was read the third time by its title and passed.

MR. SPEAKER laid before the Senate, the following communication from Mr. Forquer, viz:

VANDALIA, JAN. 30, 1835.

To the Speaker of the Senate.

SIR—I hereby resign my seat in the Senate as Senator from the county of Sangamon.

With this act, I expect, has closed my legislative life, and I beg leave to bid you, and through you, each member of the Senate, a friendly farewell.

Whatever effervescence of feeling which may have been produced among us by the collisions of debate, so far as I am concerned, is forgotten and forgiven, and I crave of those with whom I may have been brought in contact, to extend to me the like indulgence. Your ob't servant,

GEORGE FORQUER.

Which was read, and  
On motion of Mr. Ewing,  
Laid on the table.

The bill entitled

"An act to amend an act entitled "An act concerning Judgments and Executions, approved Jan. 17th, 1825;" was

On motion of Mr. Hacker,

Laid on the table.

The engrossed bill entitled

"An act regulating the terms of holding the Supreme and Circuit Courts, and fixing the salaries of the Circuit Judges;"  
Was read the third time and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. McGahey,

The engrossed bill entitled

"An act concerning the School Fund,"

Which was heretofore laid on the table,

Was taken up, and

The question being put, shall the bill pass? and

The ayes and nays having been called for by Messrs. Lane and Hacker,

It was decided in the affirmative.—Ayes 13.—Nays 10.

Those voting in the affirmative, are

Messrs. Craig, Edwards, Ewing, McGahey, Mather, Maxwell, Mills, Snyder, Stephenson, Taylor, Thomas, Vance and Williams.—13.

Those voting in the negative, are

Messrs. Bond, Davidson, Hacker, Jones, Lane, Noel, Rattan, Whiteside, Will, and Williamson.—10.

*Ordered* that the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

MR. SPEAKER announced that the communication received from the Governor, some days since, was upon executive business—whereupon

The doors were closed, and

On opening the doors

The resolution from the House of Representatives relative to a

"Removal of the obstructions to the navigation of the Illinois River,"

Being under consideration, was  
 On motion of Mr. Mather,  
 Amended by striking out the words "from its mouth to the  
 foot of the Rapids."

The resolution as amended, was then adopted.

*Ordered* That the Secretary inform the House of Representatives thereof.

The resolution from the House of Representatives,  
 "Instructing our Senators and requesting our Representatives in Congress, to act in conjunction with the delegates from Indiana, Ohio and Missouri, to obtain the passage of a law donating a portion of land for the purpose of constructing a rail road from the Miami Bay, on Lake Erie, to the Rapids of the Illinois River,"

Was also concurred in.

*Ordered*, That the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled  
 "An act for the relief of Warren county,"  
 Which was read the first time, and  
*Ordered* to a second reading.  
 On motion of Mr. Thomas,  
 The rules of the Senate were dispensed with, and the bill  
 Read the second time by its title, and  
 On motion of Mr. Taylor,

Referred to the committee on Finance.

The bill from the House of Representatives entitled  
 "An act concerning revenues of counties,"  
 Was read the first time, and  
 The question being put, on ordering the bill to a second  
 reading,

It was decided in the negative.  
 The bill from the House of Representatives, entitled  
 "An act for the benefit of the persons therein named,"  
 Was read the first time, and  
*Ordered* to a second reading.

On motion of Mr. Ewing,  
 The rules of the Senate were dispensed with, and the bill  
 Read the second time, by its title, and  
*Ordered* to a third reading.

A message from the House of Representatives, by Mr.  
 Prickett, their Clerk.

MR. SPEAKER:—I am directed to inform the Senate that the

House of Representatives have passed bills of the following titles, viz:

“An act to locate a State Road from Shelbyville to Chicago.”

“An act regulating schools, in township 39 north, range 14 east.”

“An act to establish the county seat of Rock Island county,” and

“An act relative to the Receiver of the Vermillion Saline Reserve, and the Commissioner of the Gallatin Saline lands.”

In the passage of which they ask the concurrence of the Senate.

They have concurred with the Senate in the passage of bills of the following titles, viz:

“An act for the benefit of the town of Quincy, in Adams county,” and

“An act for the relief of Cook county.”

“An act changing parts of a state road from the mouth of the Ohio, in Alexander county, to Jonesborough, in Union county,” and

“An act to lay out a road from Moses Thomas’, in Champaign county, to Bloomington, in McLean county.”

They have concurred with the Senate in their amendments to the bills from the House of Representatives, entitled

“An act to authorise the county commissioners court of Randolph and Perry to refund certain taxes.”

“An act to authorise the county court of Montgomery county to change a certain state road therein named,” and

“An act in relation to the money heretofore appropriated to the county of Randolph out of the avails arising from the sale of the Gallatin Saline Lands to internal improvements, approved February 16th, 1830.”

They have also concurred in their amendment to the title of the last named bill.

And he withdrew—whereupon,

The bill from the House of Representatives, entitled

“An act to locate a state road from Shelbyville to Chicago,”

Was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Williamson,

The rules of the Senate were dispensed with, and the bill

Read the second time by its title; and

On motion of Mr. Ewing,

Referred to a select committee.

*Ordered That Messrs, Ewing, Williamson and Vance, be the committee.*

On motion of Mr. Stephenson,

The vote this day taken on the passage of the bill, entitled  
“An act to provide for the distribution and application of the interest on the School, College and Seminary funds,”

Was reconsidered, and

On the further motion of Mr. Stephenson,

Said bill was laid on the table.

The bill from the House of Representatives entitled

“An act regulating schools, in township 39 north, range 14 east,”

Was read the first time, and

*Ordered to a second reading.*

On motion of Mr. Mather,

The rules of the Senate were dispensed with, and the bill

Read the second time by its title, and

Referred to the committee on Seminary, School Land and Education.

The bill from the House of Representatives, entitled

“An act to establish the county seat of Rock Island county,”

Was read the first time, and

*Ordered to a second reading.*

On motion of Mr. Vance,

The rules of the Senate were dispensed with, and

The bill read the second time by its title, and

*Ordered to a third reading.*

The bill from the House of Representatives, entitled

“An act relative to the Receiver of the Vermillion Saline Reserve, and the Commissioners of the Gallatin Saline Lands,”

Was read the first time; and

*Ordered to a second reading.*

On motion of Mr. Vance,

The rules of the Senate were dispensed with, and the bill

Read the second time, by its title, and

On motion of Mr. Mather,

Referred to the committee on Finance.

On motion of Mr. Ewing,

The memorial of sundry citizens of Sangamon county, praying the establishment of a Bank, which was heretofore laid on the table,

Was taken up, and

Leave granted to withdraw said memorial.  
On motion,

The Senate adjourned until 2 o'clock.

**2 o'clock, P. M.**

Senate met pursuant to adjournment.

On motion of Mr. Thomas,  
The bill entitled

"An act to amend an act entitled "An act concerning Judgments and Executions, approved Jan. 17th, 1825,"

Which was this day laid on the table,  
Was taken up—whereupon,

Mr. Noel moved to amend said bill by adding the following as an additional section, viz:

"That there shall be allowed to each and every family in this state, one work horse, in addition to the property now exempt from execution, any law to the contrary notwithstanding."

Mr. Stephenson moved to amend the amendment by adding thereto the following proviso, viz:

"Provided, That if the said head of a family have no horse, it shall be the duty of the county court to purchase one for him, not to exceed forty dollars in value."—Whereupon,

Mr. Lane moved indefinitely to postpone the further consideration of said bill and amendments.

The question being put on said motion, and

The ayes and nays having been called for by Messrs. Lane and Ewing,

It was decided in the negative.—Ayes 11.—Nays 12.

Those voting in the affirmative, are

Messrs. Craig, Ewing, Lane, McGahey, Maxwell, Noel, Rattan, Snyder, Whiteside, Will, and Williamson.—11.

Those voting in the negative, are

Messrs. Bond, Davidson, Hacker, Jones, Mather, Mills, Stephenson, Taylor, Thomas, Vance, Williams, and Mr. Speaker gave the casting vote.—12.

The amendment proposed by Mr. Stephenson to the amendment of Mr. Noel,

Was then concurred in.

On motion of Mr. Ewing,

The said amendment as amended,

Was further amended by adding thereto the following, viz:

"And that the necessary tools and implements commonly used by all persons exercising any of the mechanic arts, be, and they are hereby exempt from execution."

Mr. Maxwell proposed further to amend said bill by adding the following section, viz:

"That all personal property taken by virtue of an execution, shall be valued in the same manner that real estate is valued and subject to redemption in the same manner and under the same regulations and restrictions as provided for in the redemption of real estate:"—whereupon

Mr. Ewing moved to lay the bill and proposed amendments on the table until the fourth day of July next.

The question being put on said motion, and the ayes and nays having been called for by Messrs. Maxwell and Lane,

It was decided in the negative.—Ayes 11.—Nays 12.

Those voting in the affirmative, are

Messrs. Ewing, Craig, Lane, McGahey, Maxwell, Noel, Rattan, Snyder, Whiteside, Will, and Williamson.—11.

Those voting in the negative, are

Messrs. Bond, Davidson, Edwards, Hacker, Jones, Mather, Mills, Stephenson, Taylor, Thomas, Vance, and Williams.

—12.

Mr. Williams then moved the previous question, and

On the question, shall the main question be now put?

It was decided in the affirmative.

The question was then put on ordering the bill to be engrossed for a third reading;

And the Ayes and Nays having been called for by Messrs. Ewing and Lane,

It was decided in the negative.—Ayes 12.—Nays 11.

Those who voted in the affirmative, are

Messrs. Bond, Davidson, Edwards, Hacker, Jones, Mather, Stephenson, Taylor, Thomas, Vance, and Williams.—11.

Those voting in the negative, are

Messrs. Craig, Ewing, Lane, McGahey, Maxwell, Mills, Noel, Rattan, Snyder, Whiteside, Will, and Williamson.—12.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed to inform you that the House

of Representatives have passed a bill of the following title, viz:

An act regulating the salaries of the Auditor, Treasurer, and Secretary of State."

In the passage of which they ask the concurrence of the Senate.

They have adopted the following resolution, viz:

*Resolved by the Senate and House of Representatives,* That Hugh Lamastu, be recommended to the Senate as a suitable person to fill the office of county surveyor of Fulton county."

And he withdrew.—Whereupon,

The bill from the House of Representatives, entitled

"An act regulating the salaries of Auditor, Treasurer, and Secretary of State,"

Was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Hacker,

The rules of the Senate were dispensed with and the bill read the second time by its title, and

On motion of Mr. Thomas,

Referred to the committee on Finance.

The nomination made by the House of Representatives of Hugh Lamastu, for county surveyor of Fulton county,

Was then confirmed.

A message from the House of Representatives by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have adopted the following resolution, viz:

*Resolved by this General Assembly,* That justice requires this Legislature to be convened next December, to apportion the representation of the several counties of this State."

In the adoption of which, they ask the concurrence of the Senate.

And he then withdrew.—Whereupon,

On motion of Mr. Lane,

The said resolution was laid on the table.

On motion,

The Senate adjourned.

SATURDAY, January 31, 1835.

Senate met pursuant to adjournment.

Mr. Thomas, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, viz:

“An act for the benefit of the Sheriffs therein named.”

“An act concerning an appropriation heretofore made to the county commissioners of Vermillion county, to the county commissioners court of Champaigne county, and for other purposes.”

“An act to amend an act declaring what laws of a general nature shall be published with the acts of a general nature of this session, approved March 2d, 1833.”

“An act to increase the number of election precincts in the counties of Morgan and Madison.”

“An act declaring Big Muddy a navigable stream.”

“An act supplemental to an act to incorporate such persons as may associate for the purpose of procuring and erecting public libraries in the state, approved January 31st, 1823.”

“An act to incorporate Mount Carmel in Wabash county.”

“An act for the relief of Willard Twiss.”

“An act to authorise the county commissioners court of Randolph and Perry counties to refund certain taxes.”

“An act declaring the Snicarty, a branch of the Mississippi river, a navigable stream.”

“An act further defining the powers and duties of trustees of incorporated towns.”

“An act for the relief of Cook county.”

“An act allowing appeals in certain cases.”

“An act to organise the county of Mercer.”

“An act to authorise Ezra Baker, jr. to erect a mill dam near Coffee Island, on the great Wabash river.”

“An act for the benefit of the town of Quincy, in Adams county.”

“An act changing parts of a state road from the mouth of the Ohio, in Alexander county, to Jonesborough, in Union county;”—also,

“A memorial to Congress, praying a remuneration for lossess by Hezekiah West’s father during the Revolutionary War;”—and

“A preamble and resolutions in relation to ancient settlers.”  
They also report that on this day the foregoing bills were

laid before the Council of Revision, and that the said memorial and preamble and resolutions were delivered to the Governor.

Mr. Maxwell asked and obtained leave to introduce the petition of sundry citizens of Warren county, relative to the expenses incurred by said county in guarding and keeping in Jail certain Indian prisoners; and

On motion of Mr. Maxwell,

The rules of the Senate were dispensed with, and the said petition

Referred to the committee on Finance.

Mr. Maxwell asked and obtained leave to introduce the petition of a certain company of Rangers, praying the Legislature to memorialise Congress on the subject of compensating them for services in the late Indian War; and

On motion of Mr. Maxwell,

The reading thereof was dispensed with, and

The petition

Referred to the committee on Military Affairs.

Mr. Edwards, from the committee on Education, to which was referred the bill from the House of Representatives, entitled

“An act to repeal so much of the law as grants pre-emption rights to settlers on Seminary Lands;”

Reported the same back to the Senate without amendment.

*Ordered*, that the bill be read the third time.

Mr. Mather, from the committee on Petitions, to whom was referred the petition of Daniel Tolman and Dorcas his wife, administratrix of the estate of Samuel Thurston, deceased; reported a bill entitled

“An act for the benefit of the heirs of Samuel Thurston, deceased;”

Which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Mather,

The rules of the Senate were dispensed with, and the bill read the second time by its title, and

*Ordered* to be engrossed for a third reading.

Mr. Mitchell, from the select committee to whom was referred the bill, entitled

“An act to appoint commissioners to review so much of the state road leading from the county seat of Peoria to the state line of Indiana, as lies in the county of Tazewell;”

Reported the same back to the Senate with an amendment, which was read and concurred in.

*Ordered* that the bill be engrossed, and read the third time.

Mr. Snyder, from the committee on Finance, to whom was referred the bill from the House of Representatives, entitled

“An act in relation to Bank Collectors;”

Reported the same back to the Senate without amendment.

*Ordered*, That the bill be read a third time.

A message from the House of Representatives, by Mr. Scates, their assistant clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have concurred with them in the adoption of the resolution

“Requesting our Senators and Representatives in Congress to use their influence to have rescinded so much of the compact between this state and the United States, as prohibits the taxing of lands for five years from the time of sale.”

The Council of Revision have returned to the House of Representatives, with their objections, the bills entitled

“An act relating to the Attorney General and States Attorneys;” and

“An act to provide for the election of county Recorders and Surveyors;” and

They have again passed said bills, the objections of the Council of Revision to the contrary notwithstanding;

In which they ask the concurrence of the Senate.

They have passed a bill of the following title, viz:

“An act for the relief of the sheriff of Union county;”

In the passage of which they ask the concurrence of the Senate.

And he withdrew.

Mr. Ewing, from the select committee, to whom was referred the bill from the House of Representatives, entitled

“An act to locate a state road from Shelbyville to Chicago;”

Reported the same back to the Senate with an amendment,

Which was read and concurred in.

*Ordered*, That the bill be read the third time.

Mr. Ewing, from the select committee, to whom was referred the bill, entitled

“An act to create a lottery for the purposes therein expressed;”

Reported the same back to Senate with an amendment.  
Which was read and concurred in.—Whereupon,  
Mr. Thomas moved to lay said bill on the table,  
Which was not agreed to.

*Ordered*, That the bill be engrossed for a third reading:  
On motion of Mr. Will,

The vote taken on yesterday on ordering to a third reading,  
the bill entitled

“An act to amend an act entitled an act concerning judgments  
and executions,” approved January 17th, 1825,”

Was reconsidered.—Whereupon,

Mr. Maxwell moved to refer the said bill to select committee.

Which was agreed to.

*Ordered*, That Messrs. Maxwell, Thomas, and Will, be the  
committee.

Mr. Mills, from the select committee, to whom was referred  
the bill entitled

“An act to authorise Ransom Higgins to build a Toll  
Bridge across Bon Pas Creek, in Edwards county,”

Reported the same back to the Senate with an amendment,  
Which was read and concurred in.

*Ordered*, That the bill be engrossed and read the third time.  
On motion of Mr. Bond,

The engrossed bill, entitled

“An act to provide for the distribution and application of  
the interest on the school, college and seminary funds;”

Which was on yesterday laid on the table,

Was taken up, and

On the further motion of Mr. Bond,

Referred to a select committee.

*Ordered*, That Messrs. Will, Mather, and Williams be the  
committee.

Mr. Mitchell asked and obtained leave to withdraw the  
petition heretofore introduced, of sundry citizens of Tazewell  
county, relative to a removal of the courts of justice of said  
county to the town of Mackinaw;

Also.—For the appointment of commissioners to locate the  
seat of justice of said county.

On motion of Mr. Thomas,

The bill from the House of Representatives, entitled

“An act to establish a state road from Crow’s, in the county  
of Morgan, by way of Athens in Sangamon county, to Mu-

sick's bridge, on Salt creek," with the amendment of the House of Representatives, to the amendment proposed thereto by the Senate,

Which was heretofore laid on the table,

Was taken up, and

The question being put, shall the Senate concur with the House of Representatives in their amendment to the amendment of the Senate, to said bill?

It was decided in the negative.

*Ordered*, that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act for the relief of the sheriff of Union county;"

Was read the first time, and

*Ordered* to a second reading.

The bills entitled

"An act to make an appropriation for building a bridge across Hickory creek, on the state road leading from Vandalia to Salem;" and

"An act to incorporate the colleges therein named;"

Were severally read the second time, and

*Ordered* to be engrossed for a third reading.

The bill from the House of Representatives, entitled

"An act to amend an act to lay out a state road from Peoria to Chicago;"

Was read the second time by its title, and

*Ordered* to third reading.

On motion of Mr. Davidson,

The rules of the Senate were dispensed with, and the bill

Read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, that the Secretary inform the House of Representatives thereof.

The bills from the House of Representatives, entitled

"An act for the benefit of the widow and heirs of Reuben Goddard, deceased;" and

"An act to change a state road therein named;"

Were severally read the second time,

*Ordered* to third reading.

On motion,

The rules of the Senate were dispensed with, and the bills severally read the third time by their titles, and passed.

*Ordered*, That the titles of the bills be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bills from the House of Representatives, entitled  
 "An act to change part of the state road from Springfield  
 to Alton;" and

"An act to authorise the sale of certain school lands therein  
 named;"

Were severally read the second time, and  
*Ordered* to a third reading.

The bill from the House of Representatives, entitled  
 "An act for the relief of a person therein named;"

Was read the second time, and

On motion of Mr. Thomas,

Referred to a select committee.

*Ordered*, That Messrs. Thomas, Jones, and Williams be the  
 committee.

The bill, entitled

"An act to lay out a state road therein named;"

Was read the second time, and

*Ordered* to be engrossed for a third reading.

The bills entitled

"An act to incorporate the Alton Hotel Company;" and

"An act in addition to an act supplemental to an act entit-  
 led an act to provide for raising a revenue;"

Were severally read the second time, and

*Ordered* to be engrossed for a third reading.

The bill, entitled

The bill entitled

"An act relating to limited partnership," was

On motion of Mr. Mather,

Laid on the table.

"An act to locate a state road from Knoxville to New Bos-  
 ton," was

On motion of Mr. Maxwell,

Referred to a select committee.

*Ordered*, That Messrs. Maxwell, Rattan and Craig, be the  
 committee.

The bill, entitled

"An act to authorise the building a bridge across the Kas-  
 kaskia river, in St. Clair county;"

Was read the second time, and

On motion of Mr. Mather,

Laid on the table.

The bill, entitled

"An act making an appropriation to the bridge across the big Vermillion river;"

Was read the second time, and

On motion of Mr. Hacker,

Referred to a select committee.

*Ordered*, That Messrs. Hacker, Vance, and Mills, be the committee.

The bill, entitled

"An act to provide a suitable residence for the Governor, and to require him to reside at the seat of Government;"

Was read the second time, and

On motion of Mr. Mather,

Laid on the table.

The bill from the house of Representatives, entitled

"An act to limit the jurisdiction of Justices of the Peace;"

Was read the second time.

Mr. Noel moved to refer the bill to a select committee—  
Whereupon,

On motion of Mr. Mather,

The further consideration of the bill was indefinitely postponed.

On motion,

The Senate adjourned until 2 o'clock.

2 o'clock, P. M.

Senate met pursuant to adjournment.

The bill from the House of Representatives, entitled

"An act to incorporate the Jacksonville and Meredocia Rail Road Company;"

Was read the third time by its title, and passed.

*Ordered* that the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

A message from the Council of Revision, by William H. Brown, their clerk.

MR. SPEAKER:—The Council of Revision have approved bills of the following titles, viz:

"An act to amend an act regulating the mode of trying the right of property."

"An act to change a part of the state road from Vincennes to Chicago, as lies in Crawford county."

"An act to incorporate Mount Carmel, in Wabash county."

"An act declaring Big Muddy a navigable stream."

"An act to increase the number of election precincts in the counties of Morgan and Madison."

"An act for the benefit of the Sheriffs therein named."

"An act to amend an act declaring what laws of a general nature shall be published with the acts of a general nature of this session, approved March 2d, 1833."

"An act changing the appropriation heretofore made to the county commissioners court of Vermillion county to the commissioners court of Champaigne county, and for other purposes."

"An act supplemental to an act to incorporate such persons as may associate for the purpose of procuring and erecting public libraries in this state, approved January 31st, 1823."

"An act to authorise Ezra Baker, jr. to erect a mill dam near Coffee Island, on the great Wabash river."

"An act changing parts of a state road from the mouth of the Ohio, in Alexander county, to Jonesborough, in Union county."

"An act for the relief of Cook county."

"An act to organise he county of Mercer."

"An act for the relief of Willard Twiss."

"An act to authorise the county commissioners courts of Randolph and Perry counties to refund certain taxes."

"An act declaring the Snicarty, a branch of the Mississippi, a navigable stream."

"An act allowing appeals in certain cases."

"An act for the benefit of the town of Quincy, in Adams county."—And

"An act further defining the powers and duties of trustees of incorporated towns."

And he withdrew.

The bill from the House of Representatives, entitled

"An act to authorise Aurelia Hotchkiss to sell or exchange a certain tract of land,"

Was read the third time, as amended, and passed.

*Ordered*, that the title of the bill be as aforesaid, that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill entitled

"An act amending an act creating the county of Tazewell, and the several acts supplemental thereto,"

Was read the third time by its title, and

On motion of Mr. Mitchell,

Amended by striking out the words "William Weatherford, of Morgan," and inserting in lieu thereof, the words "Hardin Weatherford, of Macoupin."

The bill as amended, was then passed.

*Ordered* that the title of the bill be as aforesaid; that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled

"An act concerning evidence,"

Was read the third time and passed.

*Ordered*, That the title of the bill be as aforesaid, that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled  
"An act to change the corporate powers of the town of Chicago;"

Was read the first time, and

On motion of Mr. Stephenson,

Laid on the table.

The bill from the House of Representatives, entitled  
"An act to provide for the enclosure of salt petre caves in this State;"

Was read the third time and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The engrossed bill entitled

"An act to locate a road from Golconda, in Pope county, to Pinckneyville, in Perry county;"

Was read the third time by its title, and

On motion of Mr. Will,

Laid on the table.

The engrossed bill, entitled

"An act to locate a state road from Rushville to Monmouth,"

Was read the third time by its title and passed.

*Ordered*, That the title of the bill be as aforesaid, that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled  
"An act to provide for building a toll bridge across the little Calamie,"

Was read the third time by its title and passed.

*Ordered*, That the title of the bill be as aforesaid, that the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendments to the same.

The bills from the House of Representatives, entitled  
“An act concerning marks and brands.”

“An act to prevent trespassing on the canal lands in this state.”

“An act declaring the road from Mount Vernon to New Nashville, a state road;” and

“An act to incorporate the Carmi Bridge Company;”

Were severally read the third time by their titles and passed.

*Ordered*, That the titles of the bills be as aforesaid, and that the Secretary inform the House of Representatives thereof.

“The bill from the House of Representatives, entitled

“An act to remove the seat of Justice of Adams county;”

Was read the third time by its title and passed.

*Ordered*, That the title of the bill be as aforesaid, that the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendments of the Senate to the same.

The engrossed bills entitled

“An act concerning public records;” and

“An act for the altering of the Vincennes and Chicago road;”

Were severally read the third time and passed.

*Ordered*, that the titles of the bills be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein,

The bill from the House of Representatives, entitled

“An act to establish the county seat of Rock Island county;”

Was read the third time, and

On motion of Stephenson.

Amended by adding thereto the following section, viz:

“That all that part of Henry county that lies north of township fifteen of the fourth principal meridian of the bounty tract, between ranges five and six east, to the middle channel of Rock river; the same shall be attached to the county of Rock Island for all judicial and other purposes.”

The bill as amended was then passed.

*Ordered*, That the title of the bill be as aforesaid, that the

Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives entitled

"An act to locate a state road from Shelbyville to the great Wabash River, in Lawrence county, opposite Vincennes, in Indiana;"

Was read the third time and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Stephenson,

The bill from the House of Representatives, entitled

"An act to change the corporate powers of the town of Chicago;"

Which was this day laid on the table,

Was taken up and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Williams,

The committee of the whole were discharged from the further consideration of the bill entitled

"An act concerning the public revenue:"—whereupon,

Mr. Davidson moved to refer the bill to the committee on Finance.

Which was not agreed to.

Mr. Hacker moved to amend the bill by striking out all after the enacting clause and inserting the following, viz:

That hereafter the sheriffs of the different counties in this state shall be authorised to demand and receive cash in payment of the land tax to be collected by them respectively.

Sec. 2. It shall be the duty of the said sheriffs, in those counties where the land tax collected by them, shall exceed the amount of five hundred dollars in any one year, to pay the excess into the state treasury at the same time, and to be audited and settled in the same manner, as other moneys are in relation to land tax, and the said excess over the said sum of five hundred dollars, shall be held, together with the other resources provided by law to defray the current expenses of the state.

Mr. Hacker then moved that the bill and proposed amendment be referred to the committee on Finance.

Mr. Davidson moved that the amendment be indefinitely postponed.

Which was not agreed to.

Mr. Ewing moved the following amendment to the amendment, viz:

*"Provided,* That if any county should not have \$500 of revenue arising from land tax, the treasurer of state be required, upon the certificate of the county commissioners court, to make up the residue to such deficient county."

Which amendment was accepted by Mr. Hacker; and  
Thereupon,

The bill and amendment,

Were referred to the committee on Finance.

On motion of Mr. Thomas,

The committee of the whole were discharged from the further consideration of the bill from the House of Representatives, entitled

"An act concerning estrays."

Said bill was then ordered to a third reading.

The bill from the House of Representatives, entitled

"An act for the benefit of the persons therein named;"

Was read the third time and passed.

*Ordered,* That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Mather, from the committee on Petitions, to whom was referred the petition of Thomas Redmond, reported a bill entitled

"An act for the relief of Thomas Redmond;"

Which was read the first time, and

*Ordered* to a second reading.

On motion,

The rules of the Senate were dispensed with, and the bill

Read the second time by its title, and

*Ordered* to be engrossed for a third reading.

Mr. Edwards, from the committee on Seminary, School Land, and Education, to whom was referred the bill from the House of Representatives, entitled

"An act regulating schools, in township 39 north, range 14 east;"

Reported the same back to the Senate without amendment.

The said bill was then ordered to third reading.

On motion,

The rules of the Senate were dispensed with, and the bill read the third time by its title, and passed.

*Ordered,* That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Thomas, from the committee on the Judiciary, to which was referred a resolution directing an enquiry into the necessity of amending the law in relation to marriages; reported a bill entitled

"An act to amend the act entitled an act concerning marriages," approved Feb. 14th, 1827.

Which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Ewing,

The rules of the Senate were dispensed with, and

The bill read the second time by its title, and

On motion of Mr. Williams,

Laid on the table.

On motion,

The Senate adjourned until Monday 10 o'clock.

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MONDAY, February 2, 1835.

Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have concurred with them in their amendment to the bill from the House of Representatives, entitled

"An act to change the county line between Perry and Franklin counties."

They have also concurred in their amendment to the resolution from the House of Representatives relative to the removal of the obstructions to the navigation of the Illinois River.

They have passed bills of the following titles, viz:

"An act to amend the practice act of 1827;" and

"An act for the relief of the widow and heirs of Christopher Whitman."

In the passage of which they ask the concurrence of the Senate.

And he withdrew.

A message from the House of Representatives by Mr. Scates, their assistant clerk.

**MR. SPEAKER:**—I am directed to inform the Senate that the House of Representatives have passed a bill, entitled

“An act to incorporate the Alton Marine and Fire Insurance Company.”

In the passage of which they ask the concurrence of the Senate.

And he withdrew.

**Mr. Ewing**, from the select committee, to whom was referred the bill entitled

“An act for the relief of John G. McDonald;”

Reported the same back to the Senate with an amendment. Which was read and concurred in.

On motion of **Mr. Ewing**,

The bill was further amended by filling the blank in said bill with the words ‘one hundred and fifty.’

**Mr. Vance** moved further to amend the bill by adding the following, viz:

“And to Daniel W. Beckwith, the sum of fifty dollars for making a plat of said road.”—Whereupon,

On motion of **Mr. Thomas**,

The bill and amendments were

Laid on the table.

**Mr. Hacker**, from the select committee, to whom was referred the bill from the House of Representatives, entitled

“An act to amend an act entitled an act to regulate the Penitentiary, approved Feb. 19, 1833;”

Reported the same back to the Senate with sundry amendments,

Which were read and concurred in.

**Ordered**; That the bill, as amended, be read the third time.

**Mr. Ewing**, from the select committee, to whom was referred the bill, entitled

“An act to amend an act to provide for the taking of the census or enumeration of the inhabitants of the State;”

Reported the same back to the Senate with an amendment, Which was read and concurred in.

**Ordered**, That the bill as amended, be engrossed for a third reading.

The bill from the House of Representatives, entitled

“An act to amend the practice act of 1827;”

Was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Thomas,

The rules of the Senate were dispensed with, and the bill read the second time by its title, and

Referred to the committee on the Judiciary:

The bill from the House of Representatives, entitled

"An act for the relief of the widow and heirs of Christopher Whitman;"

Was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Hacker,

The rules of the Senate were dispensed with, and the bill Read the second time, by its title, and

*Ordered* to a third reading.

On the further motion of Mr. Hacker,

The rules of the Senate were further dispensed with, and The bill was read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Maxwell, from the select committee, to whom was referred the bill entitled

"An act to amend an act entitled an act concerning judgments and executions," approved January 17th, 1825;

Reported the same back to the Senate with sundry amendments.

Which were read.—Whereupon,

Mr. Hacker moved to amend the report of the select committee, by striking out all of said bill after the enacting clause,

Which was not agreed to.

Mr. Noel moved to amend the report of the select committee by adding the following as an additional section, viz:

"That in addition to the articles of property now exempt from execution, there shall be allowed to each head of a family, one work horse or yoke of work cattle, at the option of the defendant in execution, any law to the contrary notwithstanding."

Mr. Stephenson moved to amend the said amendment by adding the following proviso.

*Provided*, That in no case shall the equitable interest to real estate of the defendant in execution, be subject to execution."

Which amendments were agreed to.

The question was then put, shall the report of the committee, as amended be concurred in?

The ayes and nays having been called for by Messrs. Davidson and Mills.

It was decided in the affirmative.—Ayes 16.—Nays 8.

Those voting in the affirmative, are

Messrs. Ewing, Jones, McGahey, Mather, Mills, Mitchell, Noel, Rattan, Snyder, Stephenson, Taylor, Thomas, Vance, Will, Williams, and Williamson.—16.

Those voting in the negative, are

Messrs. Craig, Davidson, Edwards, Gatewood, Hacker, Lane, Maxwell, and Whiteside.—8.

The bill from the House of Representatives, entitled  
“An act to incorporate the Alton Marine and Fire Insurance company;”

Was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Thomas,

The rules of the Senate were dispensed with, and the bill Read the second time, by its title, and

On motion of Mr. Mather,

Referred to a select committee.

*Ordered*, That Messrs Mather, Ewing and Edwards, be the committee.

The bills from the House of Representatives entitled

“An act to amend an act entitled an act relating to the Attorney General and State’s Attorneys;” and

“An act to provide for the election of county Recorders and Surveyors;” together with the respective objections of the council of Revision to said bills; were

On motion of Mr. Mather,

Laid on the table.

Mr. Maxwell, from the select committee, to whom was referred the bill, entitled

“An act to locate a state road from Knoxville to New Boston;”

Reported the same back to the Senate with an amendment.

Which was read and concurred in.

*Ordered*, That the bill as amended be engrossed for a third reading.

On motion of Mr. Hacker,

The bill heretofore laid on the table, entitled

“A bill for an act;”

Was taken up, and

On motion of Mr. Gatewood,

Referred to a select committee.

*Ordered*, That Messrs. Gatewood and Hacker be the committee.

On motion of Mr. Ewing,

The resolution from the House of Representatives, heretofore laid on the table, relative to the "meeting of the Legislature in December next,"

Was taken up—Whereupon,

Mr. Stephenson moved to amend said resolution by adding the following as an additional resolution, viz:

*"Resolved by the people of the State of Illinois represented in the General Assembly, That when this General Assembly adjourn, it will adjourn to convene at Vandalia on the first Monday of December, 1835."*

Mr. Thomas moved to amend the amendment by striking out all after the word resolved, and inserting in lieu thereof the following:

"That if any extraordinary occasion shall occur previous to the time fixed by the constitution for the next meeting of the General Assembly, the Governor has the power to convene the General Assembly by proclamation; and that it is inexpedient for this General Assembly to express any opinion, in reference to the duties of the Executive of the State;"—Whereupon,

On motion of Mr. Gatewood,

The resolution and proposed amendments were laid on the table.

On motion,

The Senate adjourned until 2 o'clock.

2 o'clock, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Vance,

The bill heretofore laid on the table entitled,

"An act to establish the seat of justice of Iroquois county;"

Was taken up, and

*Ordered* to be engrossed for a third reading.

Mr. Craig proposed for adoption the following resolution, viz:

*"Resolved by the Senate,* That the standing hour of adjournment be 9 o'clock, A. M.

On motion of Mr. Thomas,

The said resolution was laid on the table.

The bills from the House of Representatives, entitled

"An act to repeal so much of the law as grants pre-emption rights to settlers on Seminary lands;"

Was read the third time and passed.

*Ordered* that the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The engrossed bills entitled

"An act for the benefit of the heirs of Samuel Thurston, deceased," and

"An act appointing commissioners to review so much of the state road leading from the county seat of Peoria to the state line of Indiana, as lies in the county of Tazewell;"

Were severally read the third time, by their titles, and passed.

*Ordered*, That the titles of the bills be as aforesaid, that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled

"An act in relation to bank collectors;

Was read the third time, and

On motion of Mr. Thomas,

Amended by adding thereto the following proviso:

*"Provided*, That no money shall be paid out of the State Treasury, under the provisions of this act, until an appropriation shall be made by law."

The bill as amended, was then passed.

*Ordered*, that the title of the bill be as aforesaid, that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled

"An act to locate a state road from Shelbyville to Chicago;"

Was read the third time by its title and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The engrossed bill entitled

"An act to create a lottery for the purposes therein expressed;"

Was read the third time by its title.

The question being put, shall the bill pass?

It was decided in the negative.

The engrossed bills entitled

"An act to authorise Ransom Higgins to build a toll bridge across Bon Pas creek, in Edwards county;" and

"An act to make an appropriation for building a bridge across Hickory creek, on the state road leading from Vandalia to Salem,"

Were severally read the third time by their titles and passed.

*Ordered*, That the titles of the bills be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled

"An act to change part of the state road from Springfield to Alton;"

Was read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, that the Secretary inform the House of Representatives thereof.

The engrossed bill entitled

"An act to incorporate the colleges therein named;"

Was read the third time.

The question was then put, shall the bill pass?

And the Ayes and Nays having been called for by Messrs Lane and Maxwell,

It was decided in the negative.—Ayes 11.—Nays 9.

Those who voted in the affirmative, are

Messrs. Edwards, Gatewood, Hacker, McGahey, Mather, Mills, Thomas, Vance, Whiteside, Will, and Williams.—11.

Those voting in the negative, are

Messrs. Bond, Craig, Jones, Lane, Maxwell, Noel, Rattan, Taylor, and Williamson.—9.

*Ordered*, that the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled

"An act to authorise the sale of certain school land therein named;"

Was read the third time and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The engrossed bills entitled

"An act to lay out a state road therein mentioned;"

"An act in addition to an act supplemental to an act entitled an act to provide for raising a revenue;"

Were severally read the third time and passed.

*Ordered*, That the titles of the bills be as aforesaid, that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill entitled

"An act to incorporate the Alton Hotel Company;" was

On motion of Mr. Mather,

Read the third time by its title, and

On motion of Mr. Ewing,

Laid on the table.

The bill from the House of Representatives, entitled

"An act concerning estrays;" was

Was read the third time by its title, and

On motion of Williams,

Referred to a select committee.

*Ordered*, That Messrs. Williams, Davidson, and Whiteside, be the committee.

The engrossed bill entitled

"An act for the benefit of Thomas Redman;"

Was read the third time and passed.

*Ordered*, That the title of the bill be as aforesaid, that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled

"An act for the relief of the sheriff of Union county;"

Was read the second time, and

On motion of Mr. Thomas,

Laid on the table.

Mr. Will, from the select committee, to whom was referred the bill entitled

"An act to provide for the distribution and application of the interest on the school, college and seminary funds;"

Reported the same back to the Senate with an amendment, which was read and concurred in.

Mr. Maxwell moved to lay the bill and amendment on the table,

Which was not agreed to.

The bill as amended, was then passed.

*Ordered* that the title of the bill be as aforesaid, that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Maxwell, from the select committee, to whom was referred the bill entitled

“An act concerning the election of county commissioners,”  
Reported the same back to the Senate with an amendment,  
Which was read.—Whereupon,

Mr. Ewing moved to amend the amendment by adding an additional section, viz:

“No sheriff who may be elected hereafter shall be eligible to the office for more than two consecutive terms; re-eligible, however two years after.”

Which amendment was agreed to.

The question was then put on concurring with the committee in their report as amended; and

Decided in the negative.

On motion of Mr. Snyder,

The Senate resolved itself into a committee of the whole, on the bill entitled

“An act to amend an act to license and regulate taverns.”

Mr. Maxwell in the chair;

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Maxwell reported:

That the committee of the whole had, according to order, had said bill under consideration; made sundry amendments thereto, and had directed him to ask the concurrence of the Senate therein.—Whereupon,

On motion of Ewing,

The bill and report of the committee were

Referred to a select committee.

*Ordered*, That Messrs. Ewing, Snyder, and Thomas be the committee.

On motion,

The Senate adjourned.

TUESDAY, February 3, 1835.

Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Prickett, their Clerk.

**MR. SPEAKER:**—I am directed to inform the Senate that the House of Representatives have passed the following bills viz:

“An act to amend the act entitled an act for the relief of the poor;” approved March 1st, 1833.

“An act to amend an act to incorporate Wabash navigation company;” approved January 13th, 1825.

“An act giving justices of the peace jurisdiction in cases of detinue and replevin.”

“An act relative to a state road therein named.”

“An act to incorporate the Peoria Bridge Company.”

“An act to lay out a state road from Greenville, in Bond county, to Carlinville, in Macoupin county.”

“An act to ascertain the county line between the counties of Morgan and Sangamon.”

“An act providing compensation for grand and petit jurors.”

“An act to amend an act entitled an act to incorporate the St. Clair turnpike road company;” approved February 15th, 1833.

“An act making the town of Lower Alton a district for the election of two justices of the peace and two constables; and also, for the election of one justice of the peace and one constable, at Whitehall, in Green county.”

“An act for the incorporation of fire companies;” and

“An act to authorise the county commissioners of Edgar county to establish and relocate a certain road therein mentioned.”

In the passage of which they ask the concurrence of the Senate.

They have concurred with the Senate in the passage of bills of the following titles, viz:

“An act for the relief of the securities of Thomas Moore, and others.”

“An act concerning religious societies.”

“An act for the benefit of Robert Ritchev.”

“An act concerning the sale of certain school lands situated in the county of Tazewell;” and

“An act to amend an act entitled an act to amend an act entitled an act to provide for the election of justices of the peace and constables;” approved Jan. 7th, 1835.”

They have concurred in the amendment of the Senate to the bill from the House of Representatives, entitled

“An act to locate a state road therein named, and for other purposes.”

They have also concurred with the Senate in the passage of a bill entitled

"An act to revive and continue in force an act authorising a review of a part of the Vincennes and Chicago road,"

"As amended by them.—In which amendment they ask the concurrence of the Senate.

They have adopted

A resolution relative to the establishment of certain mail routes within this state."

In the adoption of which they ask the concurrence of the Senate.

And he withdrew.

Mr. Hacker, from the committee on petitions, to whom were referred the petitions and remonstrances of the citizens of Sangamon and McLean counties, praying for a change in the state road from Springfield to Bloomington;

Reported unfavorably to the prayer of the petitioners, and asked to be discharged from the further consideration of the same.

On the question, shall the committee be discharged from the further consideration of said pétition and remonstrance?

It was decided in the affirmative.

Mr. Taylor, from the committee on Finance, to which was referred the bill from the House of Representatives, entitled, "An act for the relief of Warren county;"

Reported the same back to the Senate without amendment; *Ordered*, That the bill be read a third time.

On motion of Mr. Maxwell,

The rules of the Senate were dispensed with, and the bill read the third time by its title and passed.

*Ordered*, That the title of the bill be as aforesaid, that the Secretary inform the House of Representatives thereof.

Mr. Snyder from the committee on Finance to which was referred the bill from the House of Representatives entitled,

"An act relative to the Receiver of the Vermilion Saline Reserve, and the Commissioner of the Gallatin Saline Lands;"

Reported the same back to the Senate without amendment.

*Ordered*, That the bill be read the third time.

On motion of Mr. Vance,

The rules of the Senate were dispensed with, and the bill read the third time by its title and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Mather from the select committee to whom was referred the bill from the House of Representatives entitled, "An act to incorporate the Alton Marine and Fire Insurance company:"

Reported the same back to the Senate with an amendment, Which was read and concurred in.

*Ordered*, That the bill be read the third time.

On motion of Mr. Mather,

The rules of the Senate were dispensed with, and the bill read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Mitchell from the select committee to which was referred the petition of sundry citizens of Tazewell and McLean counties, praying an alteration of the county line between said counties; together with a remonstrance of certain citizens of said counties, against said alteration; reported as follows, viz:

That they have given to the said memorial and remonstrance an attentive and mature consideration, and in order that the whole merits of the subject may more fully appear, and the reasons which have induced the committee to arrive at the result to which they have come, they will here refer to some facts connected with previous legislation in relation to the question now presented for legislative action. It appears from an examination of the Journal of the House of Representatives, of this State, on the 20th day of December, 1831, a petition of sundry citizens of Tazewell county, which then embraced the whole Territory, which now composes Mc'Lean county, was presented to the House and was referred to a selet committee of three members; that on the 22nd of the same month a remonstrance was presented to the House, and laid on the table, without being read. That on the 23d of the same month, a bill was reported, dividing Tazewell county and creating the present county of Mc'Lean; that the rules of the House were dispensed with; the bill, after, one reading, was read two several times, on the same day, by its title, and passed. That on the same day it was sent to the Senate; and there, after a similar process, was read and passed into a law. Your committee have endeavored to ascertain whether or not, the requisite proof of notice having been given, was adduced to the Legislature, of the in-

tended application, for the division of Tazewell and the creation of Mc'Lean county, at the time of the application; but have not been enabled to satisfy themselves thereof. On the contrary, on an examination of the files of the papers of the Clerk of the House of Representatives of that session, filed in the office of the Secretary of State, no proof whatever can there be found, that any notice whatever was produced. In addition thereto the annexed exhibits, marked A and B, lead to the belief that no such notice was ever given. The committee refer to this part of the case to show that there is a strong probability that the statements of the memorialists is correct, in which they represent that there was no notice given of the then intended application to the Legistlature, and that the requisites of the law were not complied with.

The committee will not form an opinion on the necessity which may have required such great expedition in the passage of a law creating a coutny, at so early a period of the session as it appears from the Journal, to have been done ; but they refer thereto more particularly for the purpose of showing that it may be probable, that by that haste and the summary manner of passing the law, the inhabitants opposed to the law had little or no opportunity of making their objections thereto, to the extent they might, and possibly would have done, if more, or indeed the usual time had been allowed in the passage of the bill. By reference to the exhibit marked C, it appears that improper practices were resorted to in the placing of men's names to the petition, for the petition for the division of Tazewell; and on an inspection of the original petitions, it appears, in many instances, numerous names are affixed thereto in the hand-writing of some few persons. These facts are referred to as further supporting the representations of the memorialists ; that unfair practices were resorted to and by which the interests of the memorialists were probably affected to a greater or less extent. The Committee have thought this brief review of facts connected with the erection of Mc'Lean county might, in coming to a correct solution of the merits of the ground respectively assumed by the memorialists and those remonstrating.

In reference to the geographical character of the two counties and the territory in dispute the committee remark, that the County of Tazewell commences at the South East corner of town 21 north, range 2 west, running thence West

to town 21, range 9 west, 48 miles. Thence, by the meanderings of the Illinois river, east of North, to town 28 North, range 3 West and section 4, of said town. Thence, due east, ten miles to town 28 North, range, West; thence South 48 miles to the place of beginning: the county now contains 39 townships, and eight or nine fractional townships; seventeen of the Southwestern townships laying in a large prairie, entirely without timber, much of which is lakes and ponds, and admitted by all to be uninhabitable.— Mc'Lean county, as at present, contains 56 square townships, being 48 miles North and South, by 42 miles East and West; with scarce an uninhabitable section in it. There are prairies, but most of them can be cultivated. The part Tazewell wishes to recover from Mc'Lean, is town 24, 25, 26, 27, and 28, of range 1 West of the 3d. principal meridian. The timber in the towns claimed, is Stout's Grove, which is connected with the Mackinaw timber, now belonging to Tazewell, and about one half of a small grove on Walnut Creek, which is now divided by the County line. Together with a small grove or strip of timber on the West branch of Panther creek, the whole not to exceed one and a half townships. This timber is entirely separated from any other timber in Mc'Lean (except the Mackinaw timber) by a large prairie. The people, it is understood, labour under disadvantages in consequence of having to go to different county seats, to court, election precincts, and musters from the same settlements.— There is no person who is disinterested in the matter, who would not decide at once, that the territory claimed by Tazewell naturally belongs to her. It is contended that Mc'Lean is scarce of timber. The annexed map, marked D, will show the incorrectness of this position.

The committee, after a survey and deliberate consideration of the grounds and facts of the whole case, are clearly of opinion, that the justice of the application of the memorialists, when taken in consideration with all the facts is undeniable, and the interests of the memorialists, and of the citizens of both Tazewell and Mc'Lean counties will be promoted by the re-annexation of the townships named, without prejudice to any, and for that purpose, ask leave to report a bill herewith, entitled

“An act to re-annex certain Territory, therein named, to Tazewell County.”

Mr. Ewing, from the same committee, made the following counter report, viz:

That they have had the same under consideration, and after deliberate investigation of the whole subject are of the opinion that the prayer of the petitioners ought not to be granted. Among the various considerations which have led your committee to this conclusion, they beg leave to call the attention of the Senate to the following.

By the 3d section of an act of the General Assembly, relative to petitions approved, Dec. 26, 1826, it is provided, "That no county shall hereafter be divided or county seat removed, unless it be done on a petition signed by a majority of the qualified voters of said county, so to be divided, or county seat removed; which petition shall particularly describe the line or lines of division or curtailment, so proposed, and the particular place to which said county seat is proposed to be removed." The rule laid down in the foregoing section, requiring a majority of the voters of the county to be divided or curtailed, to petition for the same, is believed to be founded, as well in a spirit of justice to the interests of the smaller counties, as in the soundest policy; and ought not to be departed from, except in cases of urgent necessity. No such necessity is believed to exist in the case now under consideration. The petitioners pray a curtailment of the limits of McLean county, which brings the case directly within the perview and meaning of the above recited act. From an examination of the remonstrance against the proposed change, it was found that about five hundred and thirty of the qualified voters of the county of McLean remonstrated against any curtailment of its boundaries. As no discrimination was made, by which to ascertain how many of the petitioners are citizens of McLean county, the number is involved in doubt; but from the best information of which your committee have been able to avail themselves, they are led to believe that a very decided majority (a majority of at least five sixths) of the voters of said county are decidedly averse to the proposed change. Under these circumstances, with such a decided expression of disapprobation to the measure, on the part of those to be affected thereby, your committee conceive that to grant the prayer of the petitioners would be manifestly improper, as evincing an entire abandonment of one of the most salutary rules of legislative action, and a total disregard of the wishes and interests of the county interested. Your com-

mittee are led still more forcibly to this conclusion by a belief that the proposed alteration would involve a removal of the seat of justice of McLane county; and a consequent destruction of vested interests to the amount of many thousands of dollars. By the proposed alteration, Bloomington, the seat of justice of said county, would be thrown within eight miles of the western margin of the county, and twenty-eight miles from the eastern. A removal, therefore, to some more central point, would be the almost inevitable result of such a measure: thereby bringing ruin on a town and neighborhood now flourishing and prosperous. And for whose accommodation, your committee would inquire, is it proposed to sacrifice the best interests of a young and sparsely populated county? For the advancement of a county already the largest in population, and which, from its superior commercial and other advantages, must forever retain the ascendancy. The mass of the petitioners, praying for the proposed curtailment of McLean county, are citizens of Tazewell, the county to which it is proposed to attach the aforesaid towns. To grant the prayer of the petitioners, because they exceed in number those who have signed the remonstrance, without any reference to the county in which they reside, would not only be a direct violation of law, but in open defiance of every principle of justice, and the rights of counties. By the adoption of such a rule, the smaller counties would become a prey to the larger, to be cut to pieces, or annihilated, as may best subserve the interest or caprice of their larger and more powerful neighbors.

From these considerations, your committee are led to the conclusion that the prayer of the petitioners is unreasonable, and ought not to be granted.

The bill entitled,

"An act to re-annex certain territory therein named, to Tazewell county,"

Was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Mitchell,

The rules of the Senate were dispensed with, and the bill read the second time by its title, and

Laid on the table.

Mr. Williams from the select committee, to whom was referred the bill from the House of Representatives entitled,

"An act concerning estrays,"

Reported the same back to the Senate, with an amendment.

Which was read and concurred in.

The bill as amended was then passed.

*Ordered*, that the title of the bill be as aforesaid, that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Gatewood, from the select committee, to whom was referred the bill entitled,

“An act concerning the lessees of the Gallatin Saline,”

Reported the same back to the Senate with an amendment.

Which was read and concurred in.

The bill and amendments were then,

On motion of Mr. Mather,

Committed to a committee of the whole.

A message from the House of Representatives, by Mr. Prickett, their clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have adopted the following resolution, viz:

*Resolved*, by the General Assembly of the State of Illinois, That our Senators in Congress be instructed, and our Representatives be requested to use their exertions to procure a donation of land on Cache River in Johnson and Alexander counties, by the General Government, to the value of two thousand five hundred dollars, to improve the navigation of said river,” in the adoption of which they ask the concurrence of the Senate.

And he withdrew.

Mr. Gatewood, from the select committee, to whom was referred the bill entitled,

“An act relating to the sale of the Gallatin Saline Lands,”

Reported the same back to the Senate with an amendment. Which was read and concurred in.

On motion of Mr. Mather,

The bill was then referred to a committee of the whole.

Mr. Lane, from the select committee, to whom was referred the bill, entitled

“An act to establish a state road from Equality to McLeansboro,”

Reported the same back to the Senate with an amendment,

Which was read and concurred in.

*Ordered*, That the bill as amended be engrossed for a third reading.

Mr. Speaker laid before the Senate the following communication from the Secretary of State, Auditor and Treasurer, viz.:.

VANDALIA, FEBRUARY 2d, 1835.

TO THE HONORABLE, THE SPEAKER OF THE SENATE.

SIR:—In compliance with a resolution of the Senate calling for information relative to the buildings in which the offices of Auditor, Treasurer, and Secretary of State are kept, beg leave to make the following statement:

The building above alluded to, is acknowledged by all who have taken the trouble to examine it, not only to be unsafe, but entirely unsuitable for the safe and convenient depository of the books, records and papers belonging to those offices. The building has become so old, and in consequence of the unfitness of the materials with which it was constructed, really dangerous. The two rooms that are occupied by the Auditor and Secretary of State, do not contain room sufficient for the books and papers of one of those offices; and in the event of fire it would be impossible to prevent but few (if any) of the public documents and papers belonging to those offices from burning.

The office of Secretary of State is too small to afford room for half of the documents of that office, which are rapidly and daily increasing. It will be perceived by the fact, that the Supreme Court occupy a room in this building, that the danger of accidents by fire will be very great. The peculiar construction of the fire places in the upper rooms occupied by the Auditor and Secretary of State, makes the danger constant and unavoidable; and should those rooms or either of them take fire, their great difficulty of access would render it uncertain, whether any of the important documents of those offices would be saved. The offices of Auditor and Treasurer should not by any means be kept in the same building; for in case of fire, the books, papers and documents of these two offices would certainly be destroyed, and would leave no means by which to obtain duplicates of the books, vouchers, &c. whereas if they were kept in different buildings, and one of those offices should be destroyed by fire, a duplicate of all the books, &c. could be obtained from the other.

All which is respectfully submitted.

A. P. FIELD, *Sec. State.*

JAMES T. B. STAPP, *Auditor.*

JOHN DEMENT, *Treasurer.*

Which was read, and,  
On motion of Mr. Thomas,  
Referred to the committee on Finance.

On motion of Mr. Thomas,

The bill entitled "An act for the relief of John G. McDonald," with the proposed amendment, which was on yesterday laid on the table,

Was taken up, and,

The question being put on concurring in the amendments of Mr. Vance to the report of the select committee,

It was decided in the affirmative.

The report of the select committee, as amended, was then concurred in.

Mr. Hacker moved to further amend the bill by adding the following:

"That B. W. Brooks be allowed the sum of        dollars for services by him rendered, as surveyor of the state road from Vandalia to America, in Alexander county."

Which was not agreed to.

*Ordered* that the bill, as amended, be engrossed for a third reading.

On motion of Mr. Thomas,

The bill heretofore laid on the table entitled

"An act for the relief of the sheriff of Union county,"

Was taken up and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Thomas moved to reconsider the vote heretofore taken on the indefinite postponement of the bill from the House of Representatives entitled

"An act to limit the jurisdiction of Justices of the Peace;"

Which was decided in the negative.

Mr. Ewing, from the committee on the Judiciary, to whom was referred the bill from the House of Representatives entitled

"An act to amend the practice act of 1827,"

Reported the same back to the Senate with an amendment, which was read and concurred in.

*Ordered*, That the bill, as amended, be read the third time.

On motion,

The rules of the Senate were further dispensed with, and The bill was read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled,  
 "An act to amend an act, entitled an act for the relief of  
 the poor," approved March 1st, 1833,

Was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Thomas,

The rules of the Senate were dispensed with, and the bill  
 Read the second time, by its title, and

Laid on the table.

The bill from the House of Representatives entitled,  
 "An act to amend an act to incorporate the Wabash Navi-  
 gation Company, approved Jan. 13, 1825.

Was read the first time, and

*Ordered* to a second reading.

The bill from the House of Representatives, for an act, en-  
 titled,

"An act giving Justices of the Peace jurisdiction in cases  
 of detinue and replevin,

Was read the first time, and

*Ordered* to a second reading.

The bill from the House of Representatives, entitled,  
 "An act relative to a state Road therein named,

Was read the third time and,

*Ordered* to a second reading, and,

On motion of Mr. Taylor,

The rules of the Senate were dispensed with, and the bill  
 read a second time by its title, and

*Ordered* to a third reading.

The bill from the House of Representatives, entitled,

"An act to incorporate the Peoria Bridge Company, and  
 the bill for an act to lay out a state road from Greenville,  
 Bond county, to Carlinville in Macoupin county," were  
 severally read the first time, and

*Ordered* to a second reading, and

The rules of the Senate were dispensed with, and

They were read the second time by their titles,

When the rules were further dispensed with, and

They were severally read a third time and passed.

*Ordered*, That the titles be as aforesaid, and that the Secre-  
 tary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled,

"An act to ascertain the county line between the counties  
 of Morgan and Sangamon,"

Was read the first time, and  
*Ordered* to a second reading.

On motion,

The rules of the Senate were dispensed with, and the bill  
 read a second time by its title, and

On motion of Mr. Thomas,  
 Laid on the table.

The bill from the House of Representatives, entitled,  
 "An act providing compensation for Grand and Petit Ju-  
 rors," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Hacker,

The rules of the Senate were dispensed with, and the bill  
 read the second time by its title, and

Referred to the same select committee to whom was refer-  
 red the bill entitled,

"An act compensating Jurors."

On motion,

The Senate adjourned until 2 o'clock.

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2 o'clock, P. M.

Senate met pursuant to adjournment.

The bills from the House of Representatives, entitled,

"An act to amend an act entitled an act to incorporate the  
 St. Clair Turnpike road company, approved Feb. 15th, 1833."

"An act for the incorporation of Fire Companies," and

"An act to authorize the County Commissioners of Edgar  
 County, to establish and re-locate a certain road therein men-  
 tioned,"

Were severally read the first time, and

*Ordered* to a second reading.

On motion

The rules of the Senate were dispensed with, and the bills  
 severally read the second time, by their titles, and

*Ordered* to a third reading.

The engrossed bill entitled,

"An act to incorporate the Alton Hotel Company," which  
 was heretofore laid on the table, was

On motion of Mr. Ewing,  
Taken up and passed.

*Ordered*, That the title of the bill be as aforesaid, that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Thomas, from the committee on enrolled bills, reported as correctly enrolled the bill, entitled

“An act to incorporate the Jacksonville and Meredocia Rail Road Company.”

The bill from the House of Representatives, entitled

“An act making the town of lower Alton a district for the election of two justices of the peace, and two constables; and also for the election of one Justice of the Peace and one Constable at Whitehall in Green county,

Was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Edwards,

The rules of the Senate were dispensed with, and the bill read the second time by its title, and

*Ordered* to a third reading.

The amendments of the House of Representatives, to the bill from the Senate, entitled

“An act to revive and continue in force an act authorizing a review of a part of the Vincennes and Chicago Road.”

Were then concurred in.

*Ordered*, That the Secretary inform the House of Representatives thereof.

On motion of Mr. McGahey,

The resolution heretofore laid on the table, relative to the “nomination of a Secretary of State,”

Was taken up, whereupon

Mr. Thomas moved, to amend said resolution, by striking out all after the word “resolved,” and inserting the following in lieu thereof, viz:

“That in the opinion of this General Assembly, every Governor, when elected, has the power to nominate a suitable person to fill the office of Secretary of State, and that he may forbear to make such nomination whilst there is a Secretary of State in office.

Mr. Hacker moved,

That the resolution and amendment be indefinitely postponed.

And the question being put on said motion, and the ayes

and nays having been called for by Messrs. McGahey and Craig,

It was decided in the negative. Ayes, 12, Nays, 13.

Those who voted in the affirmative are

Messrs. Davidson, Ewing, Gatewood, Hacker, Jones, Mather, Mills, Thomas, Vance, Whiteside, Will, and Williams,—12.

Those voting in the negative, are

Messrs. Bond, Craig, Edwards, Lane, McGahey, Maxwell, Mitchell, Noel, Rattan, Snyder, Stephenson, Taylor, and Williamson,—13.

Mr. Will then moved to refer the resolution and amendment to the committee on the Judiciary.

Mr. Snyder moved to amend said motion so as to instruct the committee on the Judiciary to enquire into the expediency of defining the duties and term of service of the Secretary of State,

Which was agreed to.

The resolution and amendment were then referred to the committee on the Judiciary.

The resolution from the House of Representatives, "relative to the establishment of certain mail routes within this state," being under consideration,

Mr. Mather moved to strike out so much of said resolution as related to mail routes in Randolph county,—whereupon,

Mr. Ewing moved to lay the resolution on the table.

Mr. Mather moved to amend the motion so as to make it a motion to lay said resolution on the table until the 4th day of July next,

Which was agreed to.

The Resolution from the House of Representatives, "relative to the improvement of the navigation of Cache River, in Johnson and Alexander counties,"

Was then concurred in.

*Ordered*, that the Secretary inform the House of Representatives thereof.

On motion of Mr. Thomas,

The bill from the House of Representatives, entitled "An act to ascertain the county line between the counties of Morgan and Sangamon,"

Which was this day laid on the table,

Was taken up, and

On the further motion of Mr. Thomas,

Amended, by adding to the 3d section the following, viz:

"And the line agreed upon by the said commissioners, shall forever thereafter be the county line between the said counties;" also by striking out the words, "two dollars and fifty cents," in the 4th section, and inserting in lieu thereof, the words "three dollars."

*Ordered*, that the bill as amended, be read the third time.

Mr. Thomas, from the committee on enrolled bills, reported, "that on this day the bill for

"An act to incorporate the Jacksonville and Meredocia Rail Road Company," was laid before the council of Revision."

The bill from the House of Representatives, entitled,

"An act, to amend an act entitled an act to regulate the Penitentiary, approved Feb. 19th, 1833,"

Was read the third time,—whereupon

Mr. Mather moved to amend the said bill, by striking out the word "four," in the second section, and inserting in lieu thereof, the word "three."

A division of the question being called for,

The question was first put upon striking out, and Decided in the affirmative.

Mr. Davidson then moved to insert the word "five,"— Whereupon

On motion of Mr. Gatewood,

The bill was referred to a select committee.

*Ordered* that Messrs. Gatewood, Davidson, and Stephenson, be the committee.

The engrossed bill, entitled,

"An act to establish the seat of Justice of Iroquois county,

Was read the third time, by its title, and passed.

*Ordered* that the title of the bill be as aforesaid, that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bills, entitled

"An act to locate a state road from Knoxville to New-Boston," and

"An act to amend an act entitled an act to provide for the taking of the census, or enumeration of the inhabitants of the State,"

Were severally read the third time by their titles and passed.

*Ordered* that the titles of the bills be as aforesaid, that the

Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A message from the House of Representatives by Mr. Scates, their assistant clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have concurred with them in their amendments to the bills from the House of Representatives, entitled

“An act in relation to Bank Collectors.”

“An act to locate a state road from Shelbyville to Chicago.”

And he withdrew.

Mr. Gatewood, from the select committee to whom was referred the bill, entitled

“A bill for an act,” reported the same back to the Senate with an amendment, accompanied by the following report, viz:

The subject of education is of deep importance to every free country. It is important in every aspect in which it can be considered; it is, however, here intended to take only one view of the subject, and that has reference to its bearing upon the political institutions of our country.

We all feel friendly to the Government under which we live, and, as freemen and patriots, we would deprecate any measure that should tend, even in a remote degree, to its injury. That government is republican; it is based on the broad principle of equal rights; its supreme power is in the people; it assumes the bold principle of *universal suffrage*, and gives to every man, however humble his condition, the power of effecting a real influence upon its measures, by his vote. It is a government of laws and rights, which, to be appreciated, *must* be understood. Public matters are carried on through the agency of representatives; those representatives are directed by the voice of public opinion, and public opinion *must* be enlightened, else we have no security that a wise and liberal course of policy will be pursued, or that measures best calculated to promote the general interest will be adopted. It is the province of the people to pass judgment upon public measures, and they cannot with propriety do this, if they are unable to understand the nature and tendency of those measures, nor can they, with propriety, review the acts of their public men, if they are unable to read the accounts of their proceedings.

The distinctions in society, so much and so often complain-

ed of, are to be attributed more to the different degrees of intelligence among men, than to wealth, or rank, or any other cause. Intelligence always *has* had, and it always *will* have its influence. It is not in the nature of things to prevent it. "Knowledge is power," and if knowledge be confined to a few, no matter by what *name* our government may be called, it would not be a republic, but an aristocracy. If, in our own community, a certain portion of the people be permitted to remain in ignorance, that portion will be better fitted for the *use of the other*, than they will be to discharge the duties imposed upon them by their country. It is the true policy of a free government to remove all unnecessary distinctions among its citizens, and to make all equal, not by pulling down those who are above, but by raising those who are below.—It is the imperative duty of the legislature of a free state to guard against the prevalence of ignorance, especially among the rising generation. The children are peculiarly its property; and the state would fail to discharge its highest trust, if it neglected to provide the means for making those children good and useful citizens.

Our government is *not* adapted to an ignorant community, and its free institutions cannot long be supported by an ignorant people. The assertion may seem bold, but it will admit of proof. The nations of the old world are not now adapted to free institutions like ours. Even England and France, enlightened as they are, are probably as happy under their own monarchies as they would be under a republic: and why?—Not because there is a want of intelligence and learning among certain classes in those countries, but because there is a *want of intelligence among the people*. It was in the power of La Fayette to establish a republic in France, at the time of the recent revolution in that country; but as great and good a republican as he was, he did not do it. The reason is obvious—a republic is a government of the people, and in France, there are, by estimation, fifteen millions of people who are unable to read! Would we then preserve and perpetuate the free institutions of our country, one thing is essential, and that is, *universal education*. He who stops short of that, stops short of *universal liberty*.

*Universal education*, then, is the great object to be gained, but how shall this be done? The answer is, by means of schools. Let it not, however be supposed that these alone will accomplish every thing. The man who fancies that he is edu-

cated and qualified for the discharge of the high duties of a free man, *merely* because he has been to school, may find himself mistaken. But without the aid of schools, there can be no hope of an intelligent community. It may be true, that a few individuals may be found, who will overcome all obstacles, however difficult, and become intelligent, and even learned men, without the aid of school instruction. But such are exceptions, and furnish no data from which to reason. It is very certain that without such primary aid, a large portion of the people would not become educated. As a general rule, the *foundation*, at least, must be laid in the schools, or it never will be laid; it will still depend upon each individual to rear his own superstructure.

What kind of schools will be most likely to accomplish our great object? In some portions of our country the schools have been left almost entirely to individual exertion. In those portions, many persons may be found who are unable to read, especially among the poorer class of people. The same may be said of the *poor schools*, which have been established by law in some of the states. In those states, the legislatures seem to have acted upon a wrong principle. The education of the poor was regarded as an act of *charity*. "Let the rich educate *themselves*," they said, "and we will educate the poor." Now, whether this principle be right or wrong, its operation will at least show that it would be impracticable to adopt it here: for where it has prevailed, according to the best information that can be obtained, one third part of the whole people are unable to read, and what is more unfortunate still, that third part is chiefly confined to the poor. This principle would do very well for a monarchy, whose policy was to keep a portion of its subjects in ignorance; but in a government like ours, where the doctrine of equal rights is so much cherished, it seems strangely inconsistent that a principle which degrades the poor man, *because he is poor*, should so long prevail. This is, in reality, its effect, for the poor man has no chance to rise in the world, unless it be by education. Give him this, and he is, at once, placed upon a level with the rich—deny him this, and he is degraded.

In other portions a different principle has been adopted. Common education is regarded as a *public benefit*, and the schools are thrown open to all alike—they are *free*. The rich man's son, and the poor man's son meet on the same common level. Free schools have been adopted in the New-Eng-

land states, New-York, and Ohio. What has been their effect? for the principle, in this case, as in others, can be tested by its effects. In every state where *free schools* have long prevailed, it is very difficult to find a single person who is unable to read and write. The principle may be further tested by a well authenticated fact. In New-York, the proportion of children in schools, compared with the whole population, is as one to three and nine-tenths; in Massachusetts, as one to four; in Connecticut, as one to between five and six; in Kentucky, Virginia, and Illinois, according to the most accurate estimation, as one to about thirteen.

Where free schools prevail, the state exacts of its people what they may have to give; of the rich man his money—of the poor man his children, educated and qualified to support the great principles of enlightened liberty. *Free schools* (and it cannot be said of any others) break down the unnatural distinctions in society. They carry out the doctrine of equality, and bring all upon a level, by making all enlightened. They have accomplished what *no other schools* have ever yet accomplished—*universal education*. We may, then, safely come to the conclusion, that, whatever may be the system adopted in this state, the schools should be **FREE**. They are indeed the *only common schools* upon which a free government can with safety rely.

This principle being settled, the inquiry then remains, what shall be the details, and how shall a system of common free schools be carried into practical operation in Illinois? The experience of other states may serve at least to throw some light upon the subject. The first step is to establish permanent school districts. In every state where there is even a tolerable system of common schools, the school districts are *permanent*; that is, it is not necessary for the people to form a new district whenever they would open a school. This is the case in the eastern states, in New-York, and Ohio. If Illinois can establish a good system of schools *without* permanent districts, it can accomplish what no other state has ever yet done.—The division of counties into school districts is as essential as the division of the state into counties. But how shall this be done? Those states which have the best system of schools, are subdivided into towns. Each town possesses corporate powers, and constitutes within itself a little republic. *There*, the organization of schools is left to the towns. *Here*, a difficulty arises. In Illinois no such towns exist, although it

would seem that congress, in the surveys of the public lands, and the donation of the sixteenth sections for the use of schools within the township, had contemplated such a sub-division, especially for school purposes. Settlements are here made without regard to township lines, still as a matter of convenience, so far as the management of schools is concerned, it might be well to adhere, as far as practicable to the township divisions.

It is believed that the most feasible plan to district the state, is, to require the trustees of every incorporated town to lay off their town into school districts; to authorize the people of every township to elect a board of persons to be school inspectors, with power to lay off their townships into districts, requiring them in all cases, to pay due regard to districts already formed, and to school houses already erected. Let the people of every settlement, not included in any district, petition the county commissioners' court, to be districted in the same manner as is now required by law. In this way the whole state would be divided into school districts, as fast as the people required them. The first action would come from the people. No unnecessary districts would be created; but they would grow up simultaneously with the schools, and wherever it is practicable to form a school, there it is also practicable to form a school district.

The schools must be under a proper supervising power, in order to prove successful. For that purpose let the school inspectors thus elected in each town and township, visit the schools and take charge of the literary department. The frequent visits and examinations of the inspectors will contribute much to the prosperity of the schools, and the advancement of the scholars. When examined frequently, the scholars have a motive for exertion. It would do no harm to look after the teachers. Their duties are high and responsible, and a proper vigilance on the part of their employers would not be likely to make them discharge those duties less faithfully. So essential indeed is this general supervision, that it is not dispensed with in any good system of schools in the country.—In order to carry on its affairs with convenience, each district should elect a board of trustees to contract with teachers and manage its financial concerns. These are all the officers that would be necessary. It is believed that this plan would operate favorably. It is as plain and simple as the complicated state of things will permit.

The next inquiry has reference to the manner in which the schools shall be supported. On the first of January, 1835, the amount of the common school fund was \$97,741 23, reckoned according at compound interest, agreeably to the school bill of Mr. Edwards; the college fund, \$14,847 38, and the seminary fund \$33,496 84, not including interest. These funds were given by the United States to the state of Illinois, for the encouragement of learning. And as such they may be considered as the property of the children of the state. They are placed under the control of the legislature. Thus far, they have been loaned to the state at an interest of six per cent. per annum. They are small, not so large as could be desired, although it is doubtful whether *very* large school funds are beneficial. It is then proposed that they should be loaned to the state at an annual interest of *twelve* per cent. In a loan like this, it should be considered, that the contract is made with the children of the state; and if a high rate of interest be paid, it does not go abroad into the hands of rich capitalists, but it goes to educate the children of the state, who stand in the same relation to the legislature that a child does to its parent. It may be true that the state could loan money at *six* per cent., and perhaps for less; but it is also true, that this same money could be loaned to individuals, upon good security, for *twelve* per cent. In this peculiar case, there seems to be no good reason why the state should not give as much for the school money as an individual would.

Should the whole or only a part of the school fund be distributed? If the whole of the fund were distributed; it might soon be consumed, and in the mean time, perhaps no schools would be established. If only the interest were used, the fund would be perpetual. If by the distribution of the interest, a good system of schools can be established, the great object of the state will have been accomplished. Although the amount of interest, even at twelve per cent, would be small, yet it is believed that, by a proper management, it is sufficient to lay at least the foundation of a good system of schools.

In what ratio shall the school fund be distributed? To give it to the counties equally would be unjust, since the counties are unequal in size and population. To give it to the counties in proportion to the population at the last census taken, might still be unjust, in a country like ours where the population so often changes. In either of these cases, there would be no guaranty that the money would *really* benefit the

schools. In Connecticut the school fund is distributed among the *school societies*, in proportion to the number of children between certain ages; but under their ponderous fund, their schools have languished, and are now in a much worse condition than the schools in Massachusetts, where there never was a school fund. In New York, the school fund is comparatively small, but yet it is distributed in such a way, that it imparts life and energy to every school in the state. It is apportioned to the districts in the compound proportion of the number of scholars in school and the time that they attend; requiring of each district to erect a school house, and pay an equal amount of money, as a condition of receiving it. This plan has operated well in New York; and there is no reason to believe that the people of Illinois are so very peculiar, that a principle, which has operated well there, would not also operate well here —on a subject too, in which both are equally interested. Its effect is this. The Legislature has funds to be distributed. But it wishes to distribute them in the way that will accomplish the most good. It therefore says to the people of every town and settlement in the state, "if you will form yourselves into districts, erect school houses, and open schools, you shall be entitled to a portion of the school fund, by paying an equal amount yourselves, and the *whole* shall be expended for your benefit—for the education of *your children*; but if you refuse to comply with these conditions, you can have none of the fund, and the whole will be given to those who *do* comply." This distribution would be equal, for it would give to every person an opportunity of obtaining an equal share. It holds out a strong inducement to people to prolong their schools, by making the *amount* of their distributive share depend upon the *time* that each child is actually in school.

In the disbursement of the school money, it should be considered, that the more hands it passes through, the more it will be diminished, and the less secure it will be. The most simple and convenient process, that could be devised for the disbursement, is here recommended. When the reports are all made, let the commissioner of the school fund make the apportionment to the counties, and cause the money to be paid over to the county treasurers. Let the county commissioners then annually apportion all of the money among the several districts, and furnish the county treasurers and commissioners of school lands, each with a schedule and order, requiring them to pay over the money to the trustees of the districts. The trustees of the districts, in order to obtain their respec-

tive shares, would only have to make out their reports to the county commissioners, and after the apportionment was made, to call on their county treasurers and commissioners of school lands, and receive their money.

In making this arrangement, regard was had to the present state of things. It was thought to be as well to employ the existing officers in the counties as to create new ones for this particular purpose, especially, when the chance of getting better ones would be extremely small. The labor of making the apportionments to the districts is but little, and it could be done by the county commissioners in connection with their other business without much trouble. If the apportionment were made by the commissioners of the school fund directly to the districts, and the money paid to the trustees by the *state* treasurer, the process might indeed be more *simple*, but it would be far less convenient. To require the trustees of each district to come or send to the seat of government, in order to obtain their share, would, in many cases, amount to a denial of it. The commissioners of the school fund would be very liable to be imposed upon by the trustees, for the want of that particular local information, which the county commissioners would always possess of their own counties.

Reports should be required from all of the teachers, to the trustees of the districts, from the trustees of the districts annually to the county commissioners, from the county commissioners to the commissioners of the school fund, and from them to the legislature, for the purpose of furnishing that body with important statistical information. Without these reports there would be no data upon which to make the apportionments. Such reports might also serve another very useful purpose. They might occasionally be published, and thus, not only keep the subject of education before the people, suggest improvements in the schools, and excite emulation among the districts, but they would convey to people abroad information concerning the actual state of our schools—a kind of information sought for with eagerness by people about to emigrate.

It will be perceived that a loan is provided for to pay off the annual apportionments, in case there should not be a sufficient amount of unappropriated money in the treasury. The reason for this will appear in the absolute necessity of prompt and punctual *cash* payments, in order for the successful operation of the schools. Without such payments, any system, however correct it might be in theory, would soon become

weak and inefficient. It should be remarked that such a loan will *not* run the state in debt. It is a mere change of creditors—a contracting of *one* debt in order to pay *another*.

There is one evil that exists and is not yet provided for, and that is the lamentable want of suitable and *qualified teachers*—an evil that is felt in every part of the country, and more particularly in the west. It is well known, that in many of our towns and settlements the people are obliged to depend upon the *wandering refugees* of other states, and such transient persons as may happen to *come along*, to teach their schools. So long as this is the case, it is impossible that the schools should be in a flourishing condition. Whatever the system may be, without good teachers there cannot be good schools. The evil, however, is not without a remedy. There are many young persons in Illinois, now growing up in ignorance, who would be glad of an opportunity to qualify themselves for teaching, were the means afforded them for doing it—but such means have unfortunately been withheld. In order then to secure qualified teachers for common schools, and to encourage the higher branches of an English education, let seminaries be erected in each county, in which the Latin and Greek languages, and those higher branches may be taught. To accomplish this, let \$200 be appropriated out of the seminary fund to each county, that will erect or provide a suitable building for that purpose, to be payable in three months after the seminary shall have been in actual operation. To connect the seminaries, as far as practicable with the common schools, let the chairman of the school inspectors be entitled to a vote in the election of trustees, and let the trustees, in their turn, be *ex officio*, school inspecters, jointly with the township inspectors. Let the trustees have the sole management of their respective seminaries, and to unite individual with public interest, let them have power to raise funds by subscription and contribution, and to receive and hold real estate by gift or grant. To aid in *sustaining* the county seminaries, let the interest of the remainder of the seminary fund be annually appropriated to each, for the qualification of teachers, requiring them, when thus qualified, to teach a common school within the county a certain length of time—say double the length of time for which tuition was paid for them—allowing them, in all cases, to retain their own wages while teaching.

The seminary fund now amounts to \$33,496 84. There are fifty-six counties in the state. If county seminaries should be erected in all of the counties, the amount apportioned out

of the fund at \$200 for each, would be \$11,200; which sum deducted from the fund, would leave \$22,296.84. The annual interest of this sum, at twelve per cent., would be 2,675.62; which, to each county, would give for the qualification of teachers an annuity of \$47.77.

This sum would not be sufficient to offer such encouragement to the county seminaries for the qualification of teachers, as the magnitude of the case would require. Good teachers form the most important and most essential part of a good system of common schools, and too much pains cannot be taken to secure them. If it were practicable to arrange the details of such a system, the common school fund might perhaps be advantageously applied to the qualification of teachers. If all of the teachers, when qualified, were required, in consideration of their tuition, to go down and keep a common school a certain length of time, *gratuitously*, it will be perceived that the school fund, although applied *directly* for the support of county seminaries, would serve not only to sustain *them*, and give a larger number of individuals a good education, but would return in a more useful and enduring form to the common schools. To illustrate this suggestion: if it cost, on an average, six dollars to qualify a teacher, six hundred per annum, to support a county seminary, and teacher's wages were six dollars per month, it will be perceived that six dollars appropriated out of the school fund would, in the *first* place contribute one hundredth part towards the support of a county seminary; in the *second* place, it would give to an individual, the teacher, a good education; better than could ordinarily be obtained in a common school, and in the *third* place it would pay the wages of a qualified teacher one month; and if the district were to pay one half of the teacher's wages, the six dollars would furnish a school for two months.

There is one other source fully within the power of the state. The college fund now amounts to \$14,847.38. That fund was donated to the state to be bestowed upon a college. The state is probably not now prepared to bestow it, or any part of it, upon any college. There seems to be no good reason why it should lie idle and dormant. Let the state then borrow this fund, and let the interest of it be annually *loaned* to the seminary fund and appropriated to the county seminaries for the qualification of teachers. The annual interest of this fund, at twelve per cent. would be \$1,781.68. This sum apportioned among fifty-six county seminaries would give to each annually \$31.81, which, added to the seminary fund,

would give to each county seminary in the state, an annuity of \$79 58. This sum, on the supposition that it would require on an average, six dollars to educate a teacher, would be sufficient to qualify annually over seven hundred teachers.

It will be perceived that \$79 58 is the *lowest* sum that would, in any event, be annually apportioned to any seminary. The calculation is based upon the supposition that a county seminary would be erected in every county within a year, and that each seminary would qualify its full number of teachers, and no allowance is made for the interest of the money, previous to the time when it may be apportioned. As it is not probable that seminaries will be *immediately* erected in every county, it would be safe to estimate, that at least \$100 could be paid to each, for the next five years. Would this be a sufficient inducement for the erection of county seminaries? It is believed that if such inducements were offered, many of the counties in the state would be supplied with seminaries within two years. It is *known* that in some of them, county seminaries would be erected almost immediately.

Would the county seminaries be productive of good? It is certain, that in a few years the common schools would be supplied with qualified teachers, as good and as cheap as the imported ones. People, (and there are many such,) who now pay two, three, and four hundred dollars a year for the education of their children *out of the state*, could educate them equally as well at home, at one-twentieth part of the expense. The poorer class of people, who are unable to send their children abroad, would have the means of procuring for them a good education near home. Every county town would be much benefited by the establishment of such seminaries. It is well known what effect literary institutions have already had upon the value of property in some of our towns, and there is no reason why each county seminary should not produce a similar effect. Their general influence would be salutary; knowledge would be increased among the people, and on *honest* man need fear the consequences. Nor is this all. Let it once be known abroad that such a system of common schools and county seminaries has been permanently established in Illinois, the Kentuckian would leave his "garden of the west," for the benefit of our county seminaries; the New Englander would sever his attachment for a barren soil, and come to our own fertile prairies, if, in the exchange, he could enjoy his greatest blessing—common schools; and thousands of wealthy and intelligent people in different parts

of our country, who are hesitating and doubting between their own and our land, would soon come *here* to mingle their fortunes with those of a young and prosperous state.

There is one other view of this subject which has been considered with some solicitude. The western country is peculiarly situated. It is composed of people from every quarter of the civilized world, who have brought with them the religious and political notions peculiar to their own countries. It is rapidly filling up. The state of Illinois is now increasing in population in a ratio probably unparalleled even in the annals of the west. The time is not far distant, and many, who are now active upon the stage, may yet live to see the day, when a majority of the people composing these United States, will reside in the valley of the Mississippi. "*The sceptre must soon pass over the Alleghanies, never again to return.*" The north, the east, and the south must soon, in a political point of view, be tributary to the west. The land of the Puritans, the Empire state, the old Dominion, and all, with their ancient Institutions, their laurels, their heroes and their statesmen, big as they are with the praises of other days, must in a short time do homage to the great valley of the Mississippi. The liberties of *all* America must be committed to the people of this valley for safe keeping and preservation. The preservation of these liberties must depend upon the virtue and intelligence of the *people of the west*; must depend upon the very *children*, one third of whom, are now destitute of the means of instruction, and growing up in ignorance. The reflecting mind cannot but pause and enquire, what will be the future condition of our country, if *such* a state of things should long continue *here*? The subject of education in the west then must be—it is a subject of deep and anxious solicitude to the enlightened friends of American liberty *throughout the nation*.

It is therefore respectfully recommended to the legislature to forward a memorial to Congress, requesting an additional grant of public lands to aid in the erection and support of our county seminaries. It cannot be believed that such a request, for a purpose of such vital importance to the future welfare of the *whole country*, would be unfavorably received by the national legislature. Aside from all other considerations, the people of the west have peculiar claims upon the general government for assistance in this great object. We are yet in an elementary state; our country is new; our inhabitants, as in all new countries, are comparatively poor. They have undergone all the hardships and privations incident to the first

settlement of a wilderness. The resources of our state are continually diminished by the general government. A great portion of the money of our people finds its way into the treasury of the United States, in payment for the public lands within our territory. In the state of Illinois alone, near *half a million of dollars* is annually paid, from the hard earnings of our humble settlers, into the coffers of the general government, and the *whole nation* is enriched by this *additional tax upon this part of the country*. Often times the first settler, having paid his last cent for his farm, finds himself surrounded by a large family, dependent upon him for support, with no other resources than those to be derived from a wild and uncultivated forest. Our state, though new and in its infancy, and laboring under these great disadvantages, is now struggling with *all* its energies, to establish a permanent system of common schools and county seminaries, not only for its own benefit, but for the benefit of the *whole nation*. These efforts, strong as they may be, *may* prove to be vain and fruitless, for the want of some additional means to sustain them. *Can* those means, at the *present time*, be withheld by the general government? The national debt is now extinguished, and the vast land revenues of the country, with its other resources, are *now more* than is necessary to defray the current expenses of the nation. There does not then, seem to be any good reason why, at this time, an additional portion of the public domain in our own vicinity should not be appropriated for the education of the children of the west.

The Legislatures of Virginia and Kentucky granted 6000 acres of land to each of the counties in Kentucky, to aid in the erection of county seminaries. A grant of a similar amount to each county in Illinois, would at once enable this state to establish county seminaries, and through them, common schools, upon a sure and permanent foundation.

It has sometimes been said that it is not yet *time* to establish a system of schools in Illinois. It should be remarked, that if it be time to encourage the organization of a single school in the state, it is time to establish a system like this. *This system* proposes no compulsory measures; it interferes with no school district already formed. It merely proposes to encourage education by applying such means as are available, and it prescribes the *manner* in which it will apply them. It is simple in its machinery, plain in its operations, and can be understood, it is believed, by all who will take the trouble to read it. It can do no harm, for it is left entirely optional

with all to adopt or reject it. It relies upon the funds as an inducement and the good sense of the people for its success. But it may be asked, if it be not time now, when will be time to lay the foundation of a system of schools here? Never were the people of Illinois more active and zealous on the subject of education, than they are now. They not only *expect* but they *demand* a better system of schools; and they have spoken to that effect, both at home and in their late CONVENTION; in a voice too that *will* be understood. So *popular* indeed is the subject of education now in this state, that it is advocated in every newspaper; its praises are sung on every "stump," and scarce an individual can be found who is opposed to it.

There is another consideration which should not remain unnoticed. If the state should neglect to establish *public* schools, many individuals would be compelled to organize private ones, for the education of their own children. These would be serious impediments, for when the state should attempt (and this will be done sooner or later,) to establish a general system of schools and seminaries, it could not *then*, as it can *now*, rely upon the influence and aid of such individuals. Their sympathies and feelings would be very naturally enlisted in favor of the schools of their own creation, and their children would not attend the public schools, the consequence of which would be to lessen the respectability of the public schools and deprive them of much of their usefulness. Unimportant as this may seem to be, it is a serious evil, and one which the state of New-York, with probably the best system of common schools in the country, has not yet overcome:

Such are the outlines of a system of common schools and county seminaries, whose details are more fully carried out in the accompanying bill. It is submitted with diffidence. Humble as its origin may be, it is, nevertheless, entitled to an examination. While it claims not infallibility, it shrinks not from investigation—it dreads not the honest scrutiny of reflecting minds. If "weighed in the balance and found wanting," let its deficiencies be supplied by that which is better. Ought such a system to be established in Illinois? This is a question that we shall be called upon to decide, and in deciding it, let it be remembered that we pass judgment upon no ordinary subject. Other measures may be entitled to a due share of importance; the public mind may be convulsed in discussions concerning a bank or a canal; commotions and excitements

may ensue; but such matters are as the dust in the balance, when compared to a subject like *this*. *This* is a measure that will affect the interest of every parent and child in the community; a measure whose influence will extend to millions now unborn, through ages and ages yet to come. Our future liberty or future bondage may depend upon the decision of this, or a similar question. The time may yet come—it will come—when we must rally around our common schools, or bow our necks before the throne of arbitrary power. The future destiny of a great and growing state will depend, in no inconsiderable degree, upon the manner in which the subject of education shall be now treated by *us*. Our institutions, just bursting into being, will bear through time, the impress given them *now*. Let that impress be made in wisdom. Faithful to the present generation, let us not be unmindful of those that will succeed us. In the day of small things, let us plant the tree, under whose branches millions of the future inhabitants of this great valley will repose in security and peace. True to ourselves, to our children and our country, let us cling to our common schools, and lay firmly and deeply the *only* foundation on which we can safely rely.

Leave is, therefore, asked to introduce the accompanying Resolution and Bill. All of which is respectfully submitted.

#### RESOLUTION.

WHEREAS, the subject of education is of deep and abiding interest to the inhabitants of Illinois; whereas, the time has arrived, when some efficient means ought to be adopted to effect the establishment of a uniform system of common schools, that will secure to all classes at least a *common* education, to accomplish which, it will be necessary to establish a *seminary* in each county in the state, for the qualification of *teachers* for the common schools within the county; whereas the present resources of the country are altogether insufficient to effect this desirable object, and it is not in the nature of things, that the people of the state of Illinois, however animated their enterprise may be, can, with hope of success, engage in an undertaking of such magnitude, while all their resources are continually drawn from them to the general government, by the sale of the public domain; and, whereas, the payment of the national debt has in a measure released the lien of the general government to the lands within this state, and has

left much power in the hands of Congress to dispose of the public domain, for objects of permanent utility and advantage, by appropriating, for the advancement of knowledge, a portion of those lands: Therefore, to enable this state to unite a uniform system of common schools and county seminaries, as indicated, and for that purpose to establish a seminary in each county for the qualification of teachers, and instruction in the higher branches of education, not however with such endowments as would exclude the hope of dependence upon individual enterprize and popular co-operation:

*Resolved, by the General Assembly of the State of Illinois;*  
 That our Senators and Representatives in Congress, be requested to use all honorable means to procure the passage of a law by Congress, granting to the state of Illinois a reasonable quantity of land, or a portion of the proceeds of the sales of the public lands within this state, to be appropriated, under the direction of the legislature, towards the support of the several county seminaries, for the qualification of teachers for the common schools.

Which was read, and

On motion of Mr Snyder,

Laid on the table, and 10,000 copies thereof

*Ordered* to be printed.

The bill entitled,

"A bill for an act," with the amendments of the select committee, was,

On motion of Mr. Thomas,

Laid on the table.

On motion,

The Senate adjourned.

WEDNESDAY. February 4th, 1835.

Senate met pursuant to adjournment.

A message from the House of Representatives by Mr Prickett, their clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have concurred with them in the passage of a bill, entitled

"An act relative to the town of Vandalia."

They have also concurred with the Senate in the passage of an act, entitled

"An act for the construction of the Illinois and Michigan Canal," as amended by them—in which amendments they ask the concurrence of the Senate."

And he withdrew.

Mr. Davidson said he rose in the discharge of a painful and melancholy duty, to announce to the Senate the death, since the adjournment last evening, of his friend and colleague of the H. R. Maj. William McHenry. Although, Sir, his sun of life had passed its meridian, it was but a few days since it shone with as resplendent brightness as that of any who now hear me; and, from its apparent distance from the horizon, warranted the hope that he had yet a long life to devote to the service of his country, his family and friends. But the designs of providence are inscrutable. It has suddenly set. He now sleeps with his fathers. In the death of my much lamented colleague, Illinois has lost one of her earliest and most devoted friends. While yet the smiling land we now occupy, was a wilderness, and almost untrodden by any but the savage foot, his enterprising spirit directed and brought him hither. It was in those times when none but stout hearts, and dauntless spirits, dared cross the Ohio, westward, and claim from the savage occupant of this fair land a share of the fruits and blessings, which the God of nature, by its creation, designed for all his creatures, that he came. His manly bearing, his nobleness of heart, his intrepid courage and stout arm, soon pointed him out to his few associates, as a fit and competent leader, in the chastisement of their savage neighbors, made necessary by their frequent outrages upon the families and property of the emigrants. Since then, Sir, he has been engaged almost continuously, in the service of his adopted state—always ready in the advancement of her interests, or maintenance of her rights, whether in her legislative councils, or in the field. And Sir, he has died as he has lived, in the service of his country. It is not merely from a custom which has obtained in like melancholy instances, but from a sense of high regard, which I shall never cease to cherish for the memory of my departed friend and colleague, and which, I feel confident, will be responded to by the bosom of every honorable Senator present, that I am about to offer, and ask the adoption of the resolutions which I hold in my hand.

*"Resolved,* That the Senate deeply lament the death of

Maj. William McHenry, late a member of the House of Representatives, from the county of White.

*Resolved*, That the Senate will attend, in a body, the funeral of the late Maj. William McHenry of the H. R.

*Resolved*, That the members of this body, in testimony of the respect which they entertain for the memory of the late William McHenry of the H. R., will wear crâpe on their left arm, for thirty days.

*Resolved*, That a committee of the Senate be appointed, to act in conjunction with one of the H. R. to make suitable arrangements for the respectful interment of the remains of the late Maj. William McHenry of the H. R."

Said resolutions were then unanimously adopted.

Mr. Davidson then said,

"*MR. SPEAKER*,—In further testimony of respect towards the memory of my deceased friend, and to enable the foregoing resolutions to be carried into effect, I now move that the Senate adjourn until Thursday morning, 10 o'clock.

Whereupon,

The Senate accordingly adjourned.

THURSDAY, February 5th, 1835.

Senate met pursuant to adjournment.

Mr. Thomas, from the committee on enrolled bills, reported, as correctly enrolled, bills of the following titles, viz:—

"An act to change the county line between Perry and Franklin counties."

"An act to amend an act, entitled,

"An act to lay out a State road from Peoria to Chicago."

"An act to authorize the county Commissioners' Court of Montgomery county to change a certain state road, therein named."

"An act concerning marks and brands."

"An act declaring the road from Mount Vernon, to New-Nashville, a state road."

"An act relative to an appropriation from the avails of the Gallatin county Saline Lands, for the benefit of Randolph county."

"An act for the benefit of the persons therein named."

"An act to locate a state road from Shelbyville, to the Great Wabash River, in Lawrence county opposite Vincennes in Indiana."

"An act to lay out a state road from Moses Thomas', in Champaign county, to Bloomington, in McLean county."

"An act to provide for the enclosing and guarding salt petre caves, in this state."

"An act relative to the town of Vandalia."

"An act for the relief of the securities of Thomas Moore and others."

"An act for the benefit of Robert Ritchey."

"An act to amend an act entitled an act to provide for the election of Justices of the Peace, and Constables, approved, Jan. 7th, 1835."

An act to revive and continue in force

"An act authorizing a review of a part of the Vincennes and Chicago Road;" also,

"A report and resolutions in relation to a Rail road from the Miami Bay, on Lake Erie, to the rapids of the Illinois River."

"A resolution on the subject of an appropriation to improve the navigation of the Illinois river," and

"A resolution on the subject of taxing lands sold by the United States.

Mr. Edwards proposed for adoption, the following preamble and resolutions, viz :

"Whereas, the name of our lamented fellow citizen, Major William McHenry is intimately associated with the early history of our country, as an adventurous pioneer, sharing in all the privations and vicissitudes incident to the settlement of an unbroken wilderness ; and as a gallant ranger encountering, for years, the toils and perils of a ruthless Indian invasion. And whereas his name is still further identified with its more recent history, as one of the framers of that constitution which guarantees to us and to our children, the inestimable blessings of civil liberty—and of those acts of legislation which have crowned our state with such a full measure of prosperity : And whereas, without the aids of learning, or fortune, or family connection, his manly virtues, in all the domestic and social relations, have endeared him to a numerous circle of mourning friends, and have entitled his memory to imperishable respect, Therefore be it

*Resolved*, by this General Assembly, that a joint select committee of two from the Senate, and three from the House of Representatives, be appointed to engage some suitable person to deliver an address at 6 o'clock P. M., on Saturday next, in the Hall of the House of Representatives, commemorative of his exalted private worth and his eminent public services.

*Resolved*, That the ladies and gentlemen, now at the seat of Government, be respectfully invited to attend, together with this General Assembly, at the time and place of meeting."

On the question,

Shall the said preamble and resolutions be adopted?

It was unanimously decided in the affirmative.

*Ordered*, That Messrs. Edwards and Davidson be the committee, on the part of the Senate, and that the Secretary inform the House of Representatives thereof.

Mr. Thomas, from the committee on enrolled bills, proposed for adoption, the following resolution, viz:

"*Resolved*, That the enrolling and engrossing clerk of the Senate be authorized to employ an assistant during the remainder of the present session of the General Assembly."

On the question,

Shall said resolution be adopted?

It was decided in the affirmative.

Mr. Snyder, from the committee on Finance, to whom was referred the bill, entitled

"An act concerning the Public Revenue with the proposed amendment," reported the same back to the Senate, with sundry amendments.

Which were read.—Whereupon,

Mr. Taylor moved to lay the said bill and report on the table.

Which was not agreed to.

The report of the committee was then concurred in.

Mr. Mathei moved to lay the bill on the table,

Which was not agreed to.

The question was then put,

Shall the bill, as amended, be engrossed for a third reading?

And the Ayes and Nays having been called for, by Messrs. Taylor and Lane,

It was decided in the affirmative. Ayes—13. Nays—12.

Those who voted in the affirmative, are

Messrs. Edwards, Hacker, Jones, McGahey, Maxwell, Mills, Rattan, Snyder, Stephenson, Thomas, Vance, Will and Williams—13.

Those voting in the negative, are

Messrs. Bond, Craig, Davidson, Ewing, Gatewood, Lane,

Mather, Mitchell, Noel, Taylor, Whiteside and Williamson.—12.

A Message from the Governor, by Mr. Field, Secretary of State.

"MR. SPEAKER:—I am directed by the Governor to lay before the Senate, a written communication."

And he withdrew.

Another Message from the Governor, by Mr. Field, Secretary of State.

"MR. SPEAKER:—I am directed by the Governor, to lay before the Senate a written communication."

And he withdrew.

Mr. Speaker laid before the Senate the following communication, viz:

"JONESBORO, Illinois, January 26th, 1835.

*Hon. A. M. Jenkins,*

*President of the Senate, Vandalia, Ill.*

SIR:—I have taken the liberty of enclosing herewith, to you, the President of the Senate, the prayer, by petition, of 368 voters of Union county, for the establishment of a state road from Jonesboro to the Mississippi river, on the route set forth in the petition. Please dispose of it in the usual manner, that the same may come before the Honorable, the Senate, and the House of Representatives, for their consideration.

Very Respectfully,

Your Friend,

ELIJAH WILLARD."

On motion of Mr. Hacker,

The reading of the enclosed petition was dispensed with, and,

On motion of Mr. Hacker,

The petition was referred to the committee on petitions, with leave to report by bill, or otherwise.

Mr. Ewing, from the select committee, to whom was referred the petition of sundry citizens of Marion county, praying a "change of a part of the state road, leading from Vandalia to Golconda," reported a bill, entitled,

"An act to change a part of the state road, leading from Vandalia to Golconda, and for other purposes."

Which was read the first time, and

*Ordered to a second reading.*

*On motion of Mr. Ewing,*

The rules of the Senate were dispensed with, and  
The bill read the second time by its title, and  
*Ordered* to be engrossed for a third reading.

Mr. Hacker, from the select committee, to which was referred the bill from the House of Representatives, entitled,  
“An act to amend an act, regulating mills, and millers, approved, February 9th, 1827,”

Reported the same back to the Senate without amendment.  
The question was then put,  
Shall the bill be read the third time ?  
And decided in the negative.

A message from the Council of Revision, by Mr. Brown, their clerk.

**MR. SPEAKER:**—The Council of Revision have approved bills of the following titles, viz:

“An act concerning public roads.”

“An act to incorporate the Jacksonville and Meredocia Rail Road Company.”

And he withdrew.

A message from the Governor, by Mr. Field, Secretary of State.

**MR. SPEAKER:**—I am directed by the Governor, to lay before the Senate, a communication in writing.”

And he withdrew.

The amendments of the House of Representatives, to the bill from the Senate, entitled,

“An act for the construction of the Illinois and Michigan canal,” being under consideration,

Mr. Gatewood moved to lay the bill and amendments on the table;

Which was not agreed to.

The question was then put,

Will the Senate concur with the House of Representatives, in their amendments to said bill ?

And the ayes and nays having been called for, by Messrs. Lane and Gatewood,

It was decided in the affirmative. Ayes—19. Nays—6.

Those who voted in the affirmative, are,

Messrs. Bond, Edwards, Ewing, Hacker, Jones, McGahey, Mather, Maxwell, Mills, Mitchell, Rattan, Snyder, Stephenson, Taylor, Thomas, Whiteside, Will, Williams, and Williamson—19.

Those who voted in the negative, are

Messrs. Craig, Davidson, Gatewood, Lane, Noel, and Vance.—6.

*Ordered*, that the Secretary inform the House of Representatives thereof.

On motion of Mr. Mitchell,

The bill heretofore laid on the table, entitled

“An act to re-annex certain territory, therein named, to Tazewell county,”

Was taken up.

Whereupon,

The Senate adjourned until 2 o'clock.

2 o'clock, P. M.

Senate met pursuant to adjournment.

Mr. Thomas, from the committee on enrolled bills, reported,

That on this day they laid before the Council of Revision, bills of the following titles, viz:

“An act to change the county line between Perry and Franklin counties.”

“An act to amend an act, entitled,

“An act to lay out a state road from Peoria to Chicago.”

“An act to authorize the county commissioners' court of Montgomery county, to change a certain state road, therein named.”

“An act concerning marks and brands.”

“An act declaring the road from Mount Vernon to New-Nashville, a state road.”

“An act relative to an appropriation from the avails of the Gallatin County Saline Lands, for the benefit of Randolph county.”

“An act for the benefit of the person therein named.”

“An act to locate a state road from Shelbyville to the Great Wabash River, in Lawrence county, opposite to Vincennes, in Indiana.”

“An act to lay out a state road from Moses Thomas', in Champaign county, to Bloomington, in McLean county.”

“An act to provide for the enclosing and guarding salt pe-  
tre caves, in this state.”

“An act relative to the town of Vandalia.”

"An act for the relief of Thomas Moore, and others."  
 An act for the benefit of Robert Ritchey."

"An act to amend an act, entitled

An act to provide for the election of Justices of the Peace, and Constables, approved January 7th, 1835;" and

"An act to revive and continue in force

"An act authorizing a review of a part of the Vincennes and Chicago road; and

That the "report and resolutions in relation to a rail road from the Miami Bay on Lake Erie, to the rapids of the Illinois river;"

The resolution on the subject of an appropriation to improve the navigation of the Illinois river; and

A "resolution on the subject of taxing lands sold by the United States;"

Were delivered to the Governor."

Mr. Thomas moved,

That the bill entitled,

"An act to re-annex certain territory therein named to the county of Tazewell," be referred to a committee of the whole.

Which was agreed to.

The Senate then resolved itself into a committee of the whole, on said bill,

Mr. Thomas in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and

Mr. Thomas reported.

That the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same back to the Senate without amendment.

Whereupon;

Mr. Ewing moved,

To amend the report of the committee by striking out all of said bill after the enacting clause.

The engrossed bill, entitled

"An act to establish a state road from Equality to McLeansboro,"

Was then read the third time, and

On motion of Mr. Lean.

Amended, by inserting, in the second section, after the words "April next," the words, "or within three months thereafter."

The question was then put,

Shall the bill pass?

And decided in the affirmative.

*Ordered*, that the title of the bill be as aforesaid, that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A message from the House of Representatives, by Mr. Prickett, their clerk:

"Mr. Speaker:—I am directed to inform the Senate, that the House of Representatives have passed bills of the following titles, viz:

"An act to amend an act, to incorporate the town of Alton."

"An act for the relief of the heirs of Eli Pain, deceased."

"An act for the benefit of the infant heirs of Robert B. Murphy, late of Perry county, deceased.

"An act to change part of the state road leading from Equality to Mount Vernon;" and

"An act to amend an act, concerning the Trustees of Shawneetown,"

In the passage of which,

They ask the concurrence of the Senate.

They have concurred with the Senate, in their amendments to the bills from the House of Representatives, entitled,

"An act to provide for building a toll bridge across the little Calamic;" and

"An act to change the corporate powers of the town of Chicago."

They have receded from their amendment, to the amendment of the Senate, to the bill from the House of Representatives, entitled

"An act to establish a state road, from Crows, in the county of Morgan, by the way of Athens, in Sangamon county, to Musick's bridge on Salt Creek."

They have concurred in the amendment of the Senate to the amendment of the House of Representatives, to the bill from the Senate, entitled

"An act concerning a state road, therein named."

They have concurred with the Senate in the passage of the bills, entitled

"An act for the benefit of the heirs of Samuel Thurston, deceased;" and

"An act concerning the school fund;"

As respectively amended by them, in which amendments they ask the concurrence of the Senate."

And he withdrew.

Mr. Hacker moved,

To reconsider the vote, this day taken, on concurring with the House of Representatives, in their amendments to the bill from the Senate, entitled

"An act for the construction of the Illinois and Michigan canal."

The question being put,

On so reconsidering,

And the ayes and nays having been called for by Messrs. Hacker and Mills,

It was decided in the negative.—Ayes, 12. Nays, 13.

Those voting in the affirmative are,

Messrs. Craig, Davidson, Gatewood, Hacker, Lane, McGahey, Mills, Noel, Snyder, Whiteside, Will, and Williamson.—12.

Those voting in the negative are,

Messrs. Bond, Edwards, Ewing, Jones, Mather, Maxwell, Mitchell, Rattan, Stephenson, Taylor, Thomas, Vance, and Williams,—13.

The question was then put,

On concurring in the amendment of Mr. Ewing, to the report of the committee of the whole, on the bill, entitled

"An act to re-annex certain territory, therein named, to the county of Tazewell;"

And the ayes and nays having been called for by Messrs. Mitchell and Maxwell,

It was decided in the affirmative;—Ayes—14. Nays 10.

Those who voted in the affirmative, are

Messrs. Bond, Davidson, Edwards, Ewing, Gatewood, Jones, Mather, Mills, Rattan, Thomas, Vance, Will, Williams, and Williamson.—14.

Those voting in the negative, are

Messrs. Craig, Hacker, McGahey, Maxwell, Mitchell, Noel, Snyder, Stephenson, Taylor, and Whiteside.—10.

On motion of Mr. Mather,

The further consideration of said bill was indefinitely postponed.

On Motion of Mr. Hacker,

The bill from the House of Representatives, entitled

"An act to amend an act, entitled

An act relating to the Attorney General, and State's Attorneys," with the objections of the Council of Revision thereto,

Was taken up.

The objections of the Council of Revision, to said bill, were then read.

Whereupon,  
On motion,

The Senate adjourned.

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**FRIDAY, February 6, 1835.**

Senate met pursuant to adjournment.

Mr. Thomas, from the committee on enrolled bills, reported, as correctly enrolled, bills of the following titles, viz:

"An act concerning the sales of certain school lands, situated in the county of Tazewell."

"An act concerning religious societies."

"An act to incorporate the Carmi Bridge Company."

"An act to repeal so much of the law as grants pre-emption rights to settlers, on Seminary lands."

"An act regulating schools, in township 39, N. R. 14 East."

"An act for the relief of the widow and heirs of Christopher Whitman."

"An act to change a state road therein named."

"An act to authorize the sales of certain school lands, there-

in named."

"An act to change part of the state road from Springfield to Alton."

A message from the Governor, by Mr. Field, Secretary of State.

"**MR. SPEAKER:**—I am directed by the Governor, to lay before the Senate, a communication in writing."

And he withdrew.

Whereupon,

Mr. Speaker announced, that the said communication, and those received on yesterday, were on Executive business; and thereupon the doors were closed.

On opening the doors,  
Mr. Speaker laid before the Senate, the following communication from the Governor, viz:

EXECUTIVE DEPARTMENT, VANDALIA, FEBRUARY 5th, 1835.  
TO THE HONORABLE, THE SPEAKER OF THE SENATE.

SIR—I beg leave to inform the Senate that the office of Judge of Probate has become vacant, in the county of Greene, by the resignation of John Brown.

I have the honor to be,

Your most ob't ser'vt,

JOSEPH DUNCAN.

Which was read, and  
Laid on the table.

The amendment of the House of Representatives, to the bill from the Senate, entitled,

"An act concerning the school fund,"

Was then concurred in.

*Ordered*, that the secretary inform the House of Representatives thereof.

On motion of Mr. Mitchell,

The vote taken on yesterday, on the reconsideration of the vote to reconsider the vote taken on concurring with the House of Representatives, in their amendments to the bill from the Senate, entitled

"An act for the construction of the Illinois and Michigan Canal."

Was reconsidered.

On motion of Mr. Snyder.

The vote taken on concurring with the House of Representatives, in their amendments to said bill,

Was also reconsidered.

A message from the House of Representatives by Mr Prickett, their clerk.

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have concurred with them in the adoption of the preamble and resolutions, having for its object the appointment of a joint select committee, of two from the Senate, and three from the House of Representatives, to engage some suitable person to deliver an address, in the Hall of the House, on Saturday next, at 6 o'clock, P. M., in com-

memoration of the eminent services and character of the late Major William McHenry," as amended by them.

Amended as follows:

"Resolved, That a copy of the foregoing preamble and resolutions, be signed by the Speakers of the Senate and House of Representatives respectively, and forwarded to the widow of the deceased;" and have appointed Messrs. Webb, Ficklin, and Rowan, the committee, on their part:

In which they ask the concurrence of the Senate.

They have concurred in the amendments of the Senate, to the bills from the House of Representatives, entitled,

"An act to remove the seat of Justice of Adams county;" and

"An act to authorize Aurelia Hotchkiss to sell, or exchange a certain tract of land," as respectively amended by them,

In which amendments of the House of Representatives, to the amendments of the Senate; they ask the concurrence of the Senate.

They have concurred with the Senate, in the passage of a bill, entitled

"An act to provide for the distribution and application of the interest on the school, college, and seminary funds."

They have passed a bill of the following title, viz:

An act altering the state road from Vincennes, to St. Louis;"

In the passage of which, they ask

The concurrence of the Senate.

They have concurred in the amendments of the Senate to the bills from the House of Representatives, entitled

"An act to incorporate the Alton Marine and Fire Insurance Company;"

"An act concerning Estrays;" and

"An act to amend the Practice Act of 1827;"

And he withdrew.

Mr. Thomas moved to amend the amendments of the House of Representatives to the bill from the Senate, entitled "An act for the construction of the Illinois and Michigan Canal," by inserting after the word "loan," in the first section, the words following, viz:

"Solely on the pledge of the Canal Lands and Tolls, as is hereinafter provided:"

Mr. Ewing moved to amend the said amendment, by adding the following proviso, viz:

**"Provided,** That if the Governor shall be unable to effect the desired loan on the pledge and credit of the Canal lands and the tolls and profits of the Canal, the faith and security of the State are hereby pledged, in connection with the said Canal lands now realized and hereafter to be realized by donation from Congress, together with the tolls and profits of said Canal, for the payment of the principal and interest of said loan—the pledge and securityship of the State not to take effect or be obligatory until it be ascertained that the said lands and, tolls are insufficient security for the payment of said principal and interest."

Mr. Mather moved to lay the bill and amendments on the table: Whereupon,

On motion,

The Senate adjourned until 2 o'clock.

2 o'clock, P. M.

Senate met pursuant to adjournment.

Mr. Thomas, from the committee on Enrolled bills, reported that on this day they laid before the Council of Revision bills of the following titles; viz:

“An act concerning the sale of certain School lands situated in the county of Tazewell;”

“An act concerning Religious societies;”

“An act to incorporate the Carmi Bridge Company;”

“An act to repeal so much of the law as grants pre-emption rights to settlers on Seminary lands;”

“An act regulating Schools in township 39 north, range 14 east;”

“An act for the relief of the widow and heirs of Christopher Whitman;”

“An act to change a State road therein named;”

“An act to authorize the sale of certain School lands therein named;”

“An act to change part of the State road from Springfield to Alton.”

They also reported, as correctly enrolled, the bill entitled “An act concerning the School fund.”

The amendment of the House of Representatives to the resolution from the Senate, “relative to the appointment of a Joint Select Committee, to engage some suitable person to

deliver an address in the Hall of the House on Saturday next, at 6 o'clock, P. M., commemorative of the eminent services and character of the late Major Wm. McHenry," was then concurred in.

*Ordered,* That the Secretary inform the House of Representatives thereof.

The amendment of the House of Representatives to the amendment of the Senate, to the bill from the House, entitled "An act to authorize Amelia Hotchkiss to sell or exchange a certain tract of land," was then also concurred in.

*Ordered,* That the Secretary inform the House of Representatives thereof.

The amendment of the House of Representatives to the amendment of the Senate, to the bill from the House, entitled "An act to remove the Seat of Justice of Adams county, being under consideration,

On motion of Mr. Williams,

The bill and amendments were laid on the table.

The bill from the House of Representatives, entitled "An act altering the State road from Vincennes to St. Louis," was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Snyder,

The rules of the Senate were dispensed with, and the bill read the second time by its title, and

Referred to select committee.

*Ordered,* That Messrs. Snyder, Bond, and Mitchell, be the committee.

Mr. Hacker, from the committee on Petitions, to which was referred the petition of 368 voters of Union county, relative to the establishment of a State road from Jonesboro' to the Mississippi river, reported a bill, entitled "An act establishing a State road therein named," which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Hacker,

The rules of the Senate were dispensed with, and the bill read the second time by its title, and

*Ordered* to be engrossed for a third reading.

A message from the House of Representative by Mr. Scates their Assistant Clerk:

Mr. SPEAKER—I am directed to inform the Senate that the

House of Representatives have concurred with them in the passage of bills of the following titles, viz:

"An act for the relief of Thomas Redmond;"

"An act to authorize Ransom Higgins to build a toll bridge across Bon Pas creek in Edwards county," and

"An act to amend an act, entitled an act to provide for the application of the interest of the fund arising from the sale of School lands belonging to the several townships in this State, approved, March 1st, 1833."

They have also concurred with the Senate in the passage of bills of the following titles, viz:

"An act for the altering of the Vincennes and Chicago State road;"

"An act to lay out a State road therein mentioned," and

"An act appointing commissioners to review so much of the State road leading from the County Seat of Peoria to the State line of Indiana, as lies in the county of Tazewell," as respectively amended by them.

They have also amended the title of the last named bill, by adding the words "and for other purposes;" in which several amendments they ask the concurrence of the Senate.

They have passed bills of the following titles, viz:

"An act declaring the road from Mount Vernon to Fairfield a State road;"

"An act to change the name of Clayborn Elder," and

"An act further to prevent gaming in this State;" in the passage of which they ask the concurrence of the Senate;

And he withdrew.

Mr. Edwards, from the Joint Select Committee appointed by the two Houses to engage a suitable person to deliver an address commemorative of the private and public virtues of Maj. Wm. McHenry, deceased, reported that they had applied to and obtained the consent of Col. Alexander P. Field to perform this duty at the time and place mentioned in the resolution.

Mr. Gatewood, from the select committee to whom was referred the bill from the House of Representatives, entitled "An act to amend an act, entitled an act to regulate the Penitentiary, approved, Feb. 19th, 1833," reported the same back to the Senate with sundry amendments; which were read and concurred in.

On motion of Mr. Mather,

The bill was further amended by re-inserting in the 4th sec-

tion of said bill, the words which formerly were stricken out, so as to restore said section to the original shape in which it came from the House of Representatives.

Mr. Snyder moved further to amend the bill as amended, by striking out the word "three," and inserting in lieu thereof the word "four," which was not agreed to.

The bill, as amended, was then passed.

*Ordered*, That the title of the bill be as aforesaid—that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A message from the House of Representatives by Mr. Prickett their clerk:

Mr. SPEAKER—I am directed to inform the Senate that the House of Representatives have adopted the following resolution, viz:

"Resolved by the House of Representatives, That the Senate be respectfully requested to send back to the House of Representatives a bill for "An act for the construction of the Illinois and Michigan Canal;"

And he withdrew.

On motion of Mr. Williams,

The bill from the House of Representatives, entitled "An act to remove the Seat of Justice of Adams county," with the amendments of the House of Representatives to the amendment of the Senate to said bill; which were this day laid on the table, was taken up: Whereupon,

On motion of Mr. Williams,

The said amendments of the House were amended, by striking out the same, and adding to the 5th section the following, viz:

"Provided, That as soon as the courts of said county shall be held at the new county seat, it shall and may be lawful for the aforesaid county commissioners' court, to sell or remove, in their discretion, the court house and jail in the town of Quincy, and apply the same to county purposes."

The amendments of the House, as amended, were then concurred in.

*Ordered*, That the Secretary inform the House of Representatives thereof.

On motion of Mr. Gatewood,

The resolution from the House of Representatives, requesting the Senate to return to the House, the bill entitled "An

act for the construction of the Illinois and Michigan Canal," was laid on the table.

The amendments heretofore proposed by Mr. Thomas and Mr. Ewing, to the amendments of the House of Representatives to the bill mentioned in said resolution, were then withdrawn: Whereupon,

Mr. Mather moved that the said bill be returned by the Secretary conformably to the request of the House of Representatives, which was decided in the affirmative.

Mr. Thomas, from the committee on enrolled bills, reported that on this day, the bill for "An act concerning the School fund," was laid before the Council of Revision.

On motion,

The Senate adjourned.

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SATURDAY, February 7th, 1835.

Senate met pursuant to adjournment.

A message from the House of Representatives by Mr. Scates their Assistant clerk:

Mr. SPEAKER—I am directed to inform the Senate that the House of Representatives have passed a bill of the following title, viz:

"An act to authorize a special election in Sangamon county;" in the passage of which they ask the concurrence of the Senate. They have concurred with the Senate in the passage of bills entitled,

"An act to establish the seat of justice of Iroquois county," and

"An act concerning Public Records."

They have also concurred with them in the passage of a bill entitled,

"An act to incorporate the Colleges therein named," as amended by them; in which amendments they ask the concurrence of the Senate.

They have adopted the following resolution, viz:

*"Resolved by the House of Representatives, (the Senate concurring herein,) That the resolution passed a few days ago, having for its object the adjournment of both branches of this General Assembly on the 7th day of February instant, be,*

and the same is hereby rescinded, except so much as relates to the reception of new business;" in the adoption of which they ask the concurrence of the Senate;

And he withdrew.

Mr. Thomas, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, viz:

"An act to incorporate the Alton Marine and Fire Insurance Company;"

An act relative to the Receiver of the Vermilion Saline Reserve, and the Commissioner of the Gallatin Saline Lands;"

An act in relation to Bank Collectors;"

"An act to locate a State road from Greenville in Bond county to Carlinville in Macoupin county;"

"An act entitled an act to amend the Practice Act of 1827;"

"An act to prevent trespassing on the Canal Lands of this State;"

"An act for the benefit of the widow and heirs of Reuben Goddard, deceased;"

"An act to locate a State road therein named, and for other purposes;"

"An act for the relief of Warren county;"

"An act for the relief of the Sheriff of Union county;"

"An act to provide for the distribution and application of the interest on the School, College, and Seminary funds;"

"An act for the relief of Thomas Redmond;"

"And the resolution in relation to the improvement of the navigation of Cache river;"

"An act to amend an act, entitled an act to provide for the application of the interest of the fund arising from the sale of the School lands belonging to the several townships in this State, approved, March 1st, 1833."

A message from the Council of Revision, by Mr. Brown their clerk:

Mr. SPEAKER—The Council of Revision have approved bills of the following titles, viz:

"An act to authorize the county commissioners' court of Montgomery county to change a State road therein named;"

"An act for the relief of the securities of Thomas Moore and others;"

"An act for the benefit of Robert Ritchey;"

"An act relative to an appropriation from the avails of the Gallatin county Saline lands, for the benefit of Randolph county;"

‘An act to provide for the enclosing and guarding Salt Petre Caves in this State;’

‘An act to change the county line between Perry and Franklin counties;’

‘An act to amend an act, entitled an act to lay out a State road from Peoria to Chicago;’

‘An act concerning marks and brands;’

‘An act declaring the road from Mount Vernon to New Nashville a State road;’

‘An act to amend an act, entitled an act, to amend an act, entitled an act to provide for the election of Justices of the Peace and Constables, approved, January 7th, 1835;’

‘An act to revive and continue in force an act authorizing a review of a part of the Vincennes and Chicago road;’

‘An act to lay out a road from Moses Thomas’s in Champaign county, to Bloomington in McLean county;’

‘An act relative to the town of Vandalia;’

‘An act to locate a State road from Shelbyville to the Great Wabash river, in Lawrence county, opposite Vincennes in Indiana;’

‘An act to incorporate the Carmi Bridge Company;’

‘An act to change a State road therein named;’

‘An act to change so much of the law as grants pre-emption rights to settlers on Seminary lands;’

‘An act to change a part of the State road from Springfield to Alton;’

‘An act to authorize the sale of certain School lands therein named;’

‘An act regulating Schools in township 39 north, range 14 east, and

‘An act concerning Religious Societies;’

And he withdrew.

Mr. Thomas, from the committee on Enrolled bills, reported that on this day they laid before the Council of Revision bills of the following titles, viz:

‘An act to incorporate the Alton Marine and Fire Insurance company;’

‘An act relative to the Receiver of the Vermilion Saline Reserve, and the Commissioner of the Gallatin Saline lands;’

‘An act in relation to Bank Collectors;’

‘An act to locate a State road from Shelbyville to Chicago;’

‘An act to lay out a State road from Greenville, in Bond county, to Carlinville, in Macoupin county;’

'An act entitled an act to amend the Practice Act of 1827;'  
 'An act to prevent trespassing on the Canal lands of this State;'

'An act for the benefit of the widow and heirs of Reuben Goddard, deceased;'

'An act to locate a State road therein named, and for other purposes;'

'An act for the relief of Warren county;'

'An act for the relief of the Sheriff of Union county;'

'An act to provide for the distribution and application of the interest on the School, College, and Seminary funds;'

'An act for the relief of Thomas Redmond;'

An act to amend an act, entitled an act to provide for the application of the interest of the fund arising from the sale of the School lands belonging to the several townships in this State, approved, March 1st, 1833; and

'A resolution in relation to the improvement of the navigation of Cache river,' was laid before the Governor.

Mr. Maxwell asked and obtained leave to introduce the petition of sundry citizens of Schuyler county, 'praying the passage of a law, amending the law passed at last session, authorizing the construction of a rail road from Rushville to Beardstown; and

On motion of Mr. Maxwell,

The reading thereof was dispensed with, and the petition referred to the committee on Petitions.

Mr. Snyder from the committee on Finance, to which was referred the bill from the House of Representatives, entitled "An act regulating the salaries of the Auditor, Treasurer, and Secretary of State," reported the same back to the Senate without amendment.

The question was then put, shall the bill be read the third time? and decided in the negative.

Mr. Thomas, from the committee on the Judiciary to which was referred the resolution on the subject of the nomination, by the Governor, of a suitable person to fill the office of Secretary of State, with the amendments proposed thereto; reported, that, in the opinion of the committee, the Governor of the State of Illinois, under the Constitution thereof, has the right to nominate, and by and with the advice and consent of the Senate, to appoint a Secretary of State; and that the time and duration of the office of Secretary of State, cannot be limited or restrained by law; but that the same depends

upon the will and power of the Governor—they, therefore, ask to be discharged from the further consideration of the subject.

On the question, shall the committee be so discharged?

It was decided in the affirmative.

A message from the Governor by Mr. Field, Secretary of State:

**MR. SPEAKER**—I am directed by the Governor to lay before the Senate a written communication; and he withdrew.

Said communication was then read, and is as follows, viz:

EXECUTIVE DEPARTMENT;

Vandalia, February 7th, 1835.

*To the Hon. the Speaker of the Senate:*

SIR—I beg leave to inform the Senate that the office of Attorney General has become vacant by the resignation of N. W. Edwards.

I have the honor to be

Your obedient servant,

JOSEPH DUNCAN.

Said communication was then laid on the table.

Mr. Mather, from the committee on Petitions to whom was referred the petition of sundry citizens of La Salle county, praying the legislature to pass a law authorizing George F. Markley to build a mill dam across Fox river, reported unfavorably to the prayer of said petitioners, and asked to be discharged from the further consideration thereof.

On the question, shall the committee be so discharged?

It was decided in the affirmative.

Mr. Mather, from the committee on Petitions to whom was referred the bill from the House of Representatives, entitled ‘An act permanently to locate the Seat of Justice of Randolph county,’ reported the same back to the Senate with an amendment, which was read and concurred in.

*Ordered*, That the bill be read the third time.

Mr. Will, from the select committee to whom was referred the bill from the House of Representatives, entitled ‘An act to view and lay out a State road from Brownsville by way of Pinckneyville to New Nashville in Washington county,’ reported the same back to the Senate with an amendment, which was read and concurred in.

*Ordered*, That the bill be read the third time.

On motion of Mr. Will,

The rules of the Senate were dispensed with, and the bill read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid—that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Whiteside, from the select committee to which was referred the bill, entitled ‘An act to lay out a road from Blair’s ferry to Frankfort, and for other purposes,’ reported the same back to the Senate without amendment.

*Ordered*, That the bill be engrossed for a third reading.

Mr. Whiteside, from the select committee to whom was referred the bill from the House of Representatives, entitled ‘An act to locate a State road from Frankfort in Franklin county, by way of Vienna in Johnson county, to the Ohio river,’ reported the same back to the Senate with an amendment, which was read and concurred in.

*Ordered*, That the bill, as amended, be read the third time.

The resolution from the House of Representatives, relative to rescinding the resolution heretofore adopted, fixing upon the 7th inst. for the adjournment of the present General Assembly, was then concurred in.

*Ordered*, That the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled ‘An act to amend an act relating to the Attorney General and State’s Attorneys,’ being under consideration,

The question was put, shall the bill pass, the objections of the Council of Revision to the contrary notwithstanding? and the Ayes and Nays having been called for by Messrs. Lane and Gatewood,

It was decided in the affirmative. Ayes 14—Nays 11.

Those who voted in the affirmative, are

Messrs. Bond, Craig, Ewing, Hacker, McGahey, Maxwell, Mitchell, Noel, Rattan, Snyder, Stephenson, Taylor, Whiteside, and Williamson—14.

Those voting in the negative, are

Messrs. Davidson, Edwards, Gatewood, Jones, Lane, Mather, Mills, Thomas, Vance, Will, and Williams—11.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Stephenson proposed for adoption the following resolution: viz:

*Resolved by the Senate and House of Representatives*, That

in the opinion of this General Assembly, it is not within the legitimate sphere of the action of the Council of Revision to reject bills which have passed this legislature on any other than constitutional grounds.'

On motion of Mr. Stephenson,

The said resolution was laid on the table.

The bill from the House of Representatives, entitled 'An act to provide for the election of County Recorders and Surveyors,' with the objections of the Council of Revision thereto, were then taken up; and the objections of the Council having been read,

On motion of Mr. Hacker,

The said bill and objections were laid on the table.

Mr. Davidson proposed for adoption the following resolution, viz:

*'Resolved by the Senate,* (the House of Representatives concurring herein,) That at 3 o'clock, P. M. of this day, the two Houses will proceed to the election of six Circuit Attorneys, a Warden of the Penitentiary, and Attorney General.'

Mr. Hacker moved to amend said resolution, by adding the words 'and Judges of Probate in all those counties where vacancies have occurred;' which amendment was accepted by Mr. Davidson.

On motion of Mr. Gatewood,

The resolution was further amended, by adding the words 'and Superintendent of the Gallatin county Saline.'

Mr. Snyder moved to amend the said resolution, by striking out the words 'this day,' and inserting in lieu thereof, the words 'Tuesday next;' which was not agreed to.

Mr. Ewing moved to strike out the words 'Attorney General;' which was also not agreed to.

The resolution as amended, was then adopted.

*Ordered,* That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A message from the House of Representatives, by Mr. Scates, their Assistant clerk:

Mr. SPEAKER—The House of Representatives have adopted the following resolution, viz:

*Resolved,* That the Senate be respectfully requested to return to this House the bill entitled 'An act to incorporate the Colleges therein named;' and he withdrew. Whereupon,

Mr. Williams moved to lay said resolution on the table until the 4th day of July next;

And the question having been put on said motion, and the Ayes and Nays having been called for by Messrs. Vance and Gatewood, it was decided in the affirmative. Ayes 21—Nays 4.

Those who voted in the affirmative, are

Messrs. Bond, Davidson, Edwards, Ewing, Gatewood, Hacker, Jones, Lane, McGahey, Mather, Maxwell, Mills, Mitchell, Rattan, Taylor, Thomas, Vance, Whiteside, Will, Williams, and Williamson—21.

Those voting in the negative, are

Messrs. Craig, Noel, Snyder, and Stephenson—4.

On motion of Mr. Jones,

The bill heretofore laid on the table, entitled,

“An act concerning the appropriation of the Revenue of the several counties in this state,”

Was taken up, and

Referred to a select committee.

*Ordered*, that Messrs. Jones, Gatewood, and Bond, be the committee.

On motion,

The Senate adjourned until 2 o'clock.

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Senate met pursuant to adjournment:

A message from the House of Representatives, by Mr. Prickett, their clerk:

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have concurred with them in the adoption of the resolution, having for its object the election of State's Attorneys, &c. at 3 o'clock this day, as amended by them. Amend as follows:

Strike out all after the word, ‘resolved,’ and insert,

‘That the two Houses meet this evening at 3 o'clock, in the Hall of the House of Representatives, for the purpose of electing an Attorney General, five State's Attorneys and Judges of Probate, in those counties in which there are vacancies;’

In which amendment they ask the concurrence of the Senate.’

And he withdrew.  
 On motion of Mr. McGahey,  
 The bill heretofore laid on the table, entitled  
 'An act to amend the act, entitled  
 'An act concerning marriages, approved, February 14th,  
 1827,'

Was taken up.

Whereupon,

Mr. Williams moved to amend said bill, by adding the following section, viz:

Sec 3. Any who shall hereafter celebrate the rites of matrimony, without having been duly and regularly licensed by an organized body, or society of worshiping christians, and who keep a record of their proceedings, as an organized body or society, shall be liable to indictment; and, upon conviction thereof, shall be fined, in a sum not exceeding fifty dollars.

*Provided*, That this act shall not apply to any person who may have been regularly licensed by any organized body or society which has, or may become dissolved, by reason of a majority of the members of such body or society having changed or abolished the form of government.'

On motion of Mr. Bond,

The said bill and amendment were laid on the table.

A message from the Council of Revision, by Mr. Brown, their clerk:

MR. SPEAKER:—The Council of Revision have approved bills of the following titles:

'An act concerning the school fund.'

'An act to incorporate the Alton Marine and Fire Insurance Company.'

'An act to lay out a state road from Greenville, in Bond county, to Carlinville in Maccoupin county.'

'An act to locate a state road from Shelbyville to Chicago.'

'An act for the relief of Thomas Redmond.'

'An act to amend an act, entitled

'An act to provide for the application of the interest of the school funds, arising from the sale of school lands, belonging to the several townships in this state; approved March 1st, 1833.'

'An act for the relief of Warren county.'

'An act for the relief of the Sheriff of Union county.'

'An act to locate a state road, therein named; and for other purposes.'

'An act to provide for the distribution and application of the interest on the school, college and seminary funds.'

'An act relative to the receiver of the Vermillion Saline Reserve, and the commissioner of the Gallatin Saline lands.'

'An act in relation to Bank Collectors,' and

'An act, entitled

'An act to amend the practice act of 1827.'

And he withdrew.

The resolution relative to the election of State's Attorneys &c. as amended by the House of Representatives, being under consideration, was,

On motion of Mr. Hacker,

Laid on the table.

The bill from the House of Representatives, entitled

'An act to authorize a special election in Sangamon county,'

Was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Taylor,

The rules of the Senate were dispensed with, and

The bill read a second time by its title, and

*Ordered* to a third reading.

The amendment of the House of Representatives to the bill from the Senate, entitled

'An act to incorporate the Colleges therein named,' being under consideration,

Mr. Hacker moved to amend said amendment, by striking out the name of 'John S. Hacker,' and insert 'John Dougherty,'

Which was not agreed to.

The amendment of the House to said bill,

Was then concurred in.

On motion of Mr. Ewing,

"*Resolved, by the Senate and House of Representatives,* That the delivery of the address commemorative of the character and services of Maj. William McHenry deceased, be postponed until Monday next, at six o'clock, P. M.

*Ordered*, that the secretary inform the House of Representatives thereof, and ask their concurrence therein.

The amendments of the House of Representatives to the following bills, viz:

'An act for the altering the Vincennes and Chicago state road;'

'An act to lay out a state road therein mentioned; and  
 'An act appointing commissioners to review so much of the state road leading from the county seat of Peoria to the state line of Indiana, as lies in the county of Tazewell,'

Were severally concurred in.

The amendment of the House of Representatives, to the title of the last named bill, was also concurred in.

*Ordered*, that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled

'An act declaring the road from Mount Vernon to Fairfield, a state road,'

Was read the first time, and

*Ordered* to a second reading.

The bill from the House of Representatives, entitled

'An act to change the name of Clayborn Elder,'

Was read the first time, and

*Ordered* to a second reading.

On motion,

The rules of the Senate were dispensed with, and

The bill read a second time by its title, and

*Ordered* to a third reading.

On motion,

The rules of the Senate were further dispensed with, and  
 The bill read a third time by its title, and passed.

*Ordered* that the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled

'An act further to prevent gaming in this state,'

Was read the first time, and

Mr. Stephenson moved indefinitely to postpone the consideration of said bill;

Which was not agreed to.

The bill was then

*Ordered* to a second reading.

On motion,

The rules of the Senate were dispensed with, and

The bill read the second time by its title, and

On motion of Mr. Maxwell,

Referred to a select committee.

*Ordered*, that Messrs. Maxwell, Hacker, and Davidson, be the committee.

A message from the House of Representatives by Mr Prickett, their clerk.

**MR. SPEAKER:**—I am directed to inform the Senate that the House of Representatives have concurred with them in the adoption of the resolution having for its object, the postponement, until Monday evening next, at 6 o'clock, the delivery of the address commemorative of the character and services of Major William McHenry.'

And he withdrew.

The bill from the House of Representatives, entitled  
'An act to amend an act to incorporate the town of Alton,'

Was read the first time, and  
*Ordered* to a second reading.

On motion,

The rules of the Senate were dispensed with, and  
The bill read the second time by its title, and  
*Ordered* to a third reading.

The bill from the House of Representatives, entitled  
'An act for the relief of the heirs of Eli Pain deceased,'

Was read the first time, and  
*Ordered* to a second reading.

On motion,

The rules of the Senate were dispensed with, and  
The bill read the second time by its title, and  
*Ordered* to a third reading.

On motion,

The rules of the Senate were further dispensed with, and  
The bill read the third time by its title and passed.

*Ordered* that the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled  
'An act for the benefit of the infant heirs of Robert B. Murphy, late of Perry county deceased,'

Was read the first time, and

*Ordered* to a second reading.

The rules of the Senate were then dispensed with, and

The bill read the second time, by its title, and

On motion of Mr. Ewing,

Referred to a select committee.

*Ordered*, that Messrs. Ewing, Mather, and Rattan, be the committee.

The bill from the House of Representatives, entitled

'An act to change part of the state road leading from Equality to Mount Vernon,'

Was read the first time, and  
*Ordered* to a second reading.

On motion of Mr. Lane,

The rules of the Senate were dispensed with, and  
The bill read the second time, by its title, and  
Referred to a select committee.

*Ordered*, That Messrs. Lane, Gatewood, and Davidson, be  
the committee.

The bill from the House of Representatives, entitled 'An  
act to amend an act concerning the Trustees of Shawnee-  
town,' was read the first time, and

*Ordered* to a second reading.

The amendments of the House of Representatives to the  
bill from the Senate, entitled 'An act for the benefit of the  
heirs of Samuel Thurston, deceased,' were then concurred in.

*Ordered*, That the Secretary inform the House of Repre-  
sentatives thereof.

A message from the House of Representatives, by Mr.  
Prickett, their clerk:

Mr. SPEAKER—I am directed to inform the Senate that the  
House of Representatives have concurred with them in the  
passage of a bill, entitled

'An act to incorporate the Alton Hotel Company.'

They have also concurred in the amendments of the Senate  
to the bill from the House of Representatives, entitled

'An act to amend an act, entitled an act to regulate the  
Penitentiary, approved, Feb. 19th, 1833,' and he withdrew.

On motion,

The Senate adjourned until Monday, 10 o'clock.

MONDAY, February 9, 1835.

Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr.  
Prickett, their clerk:

Mr. SPEAKER—I am directed to inform the Senate that the  
House of Representatives have concurred with them in the  
passage of bills of the following titles, viz:

'An act to provide for the issuing of writs of *Ne Exeat* and  
*Habeas Corpus*, and for other purposes;' and

'An act declaring Crooked creek, in Schuyler county, a navigable stream.'

They have also concurred with them in the passage of a bill entitled 'An act to amend an act, appropriating a portion of the avails arising from the sale of the Saline lands in Gallatin county to internal improvements, approved, Feb. 16, 1831,' as amended by them; in which amendment they ask the concurrence of the Senate.

They have passed bills of the following titles, viz:

'An act to amend an act concerning the Public Revenue, approved, Feb. 27th, 1833;' and

'An act concerning the 16th section in Equality township, Gallatin county;' in the passage of which they ask the concurrence of the Senate; and he withdrew.

Mr. Mather from the committee on Petitions to which was referred the petition of sundry citizens of Schuyler county, praying the passage of a law amending the law passed at the last session of the legislature, authorizing the construction of a rail road from Rushville to Beardstown; reported a bill, entitled 'An act to amend an act, entitled an act to incorporate the Rushville and Beardstown turnpike road company,' which was read the first time, and

*Ordered* to a second reading.

On motion,

The rules of the Senate were dispensed with, and the bill read the second time by its title, and

*Ordered* to a third reading.

On motion,

The rules of the Senate were further dispensed with, and the bill read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid—that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Ewing, from the select committee to which was referred the bill from the House of Representatives, entitled 'An act for the benefit of the infant heirs of Robert B. Murphey, late of Perry county, deceased,' reported the same back to the Senate without amendment.

The said bill was then ordered to a third reading.

On motion,

The rules of the Senate were dispensed with, and the bill read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that

the Secretary inform the House of Representatives thereof.

Mr. Ewing, from the select committee to whom was referred the bill, entitled 'An act to amend an act to license and regulate taverns,' with the amendments proposed thereto by the committee of the whole, reported the same back to the Senate without amendment, and recommended the adoption of the amendment proposed by the committee of the whole.

On the question, will the Senate concur with the committee in their report? It was decided in the affirmative.

*Ordered*, That the bill, as amended, be engrossed for a third reading.

Mr. Davidson, from the select committee to which was referred the bill, entitled 'An act compensating Jurors,' reported the same back to the Senate with an amendment, which was read and concurred in.

*Ordered*, That the bill, as amended, be engrossed for a third reading.

Mr. Davidson, from the same select committee to which was referred the bill from the House of Representatives, entitled 'An act providing compensation for Grand and Petit Jurors,' reported the same back to the Senate without amendment: Whereupon,

On motion of Mr. Ewing,

The said bill was recommitted to a select committee.

*Ordered*, That Messrs. Ewing, be the committee.

Mr. Snyder, from the select committee to whom was referred the bill from the House of Representatives, entitled 'An act altering the State road from Vincennes to St. Louis,' reported the same back to the Senate without amendment—Whereupon,

On motion of Mr. Stephenson,

The bill was amended by adding to the last section, the following proviso, viz:

"*An' further provided*, That no private rights or privileges granted by 'An act of the General Assembly of this State, approved, March 2d. 1819,' establishing a ferry near the town of Illinois, across the Mississippi river, in the name of Samuel Wiggins, shall in any wise be effected or impaired by this act."

On motion of Mr. Snyder,

The bill was then laid on the table.

A message from the House of Representatives, by Mr. Scates, their assistant clerk:

**MR. SPEAKER**—I am directed to inform the Senate that the House of Representatives have concurred with them in the passage of the bill from the Senate, entitled ‘An act for the construction of the Illinois and Michigan Canal,’ as amended by them, in which amendment they ask the concurrence of the Senate; and he withdrew.

Mr. Thomas, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, viz:

‘An act concerning estrays;’

‘An act to incorporate the Colleges therein named;’

‘An act to authorize Ransom Higgins to build a toll bridge across Bon Pas creek in Edwards county;’

‘An act to locate a State road from Rushville, in Schuyler county, to the town of Commerce, in Hancock county;’

‘An act concerning Public Records;’

‘An act to amend an act, entitled an act to regulate the Penitentiary, approved, Feb. 19th, 1833.’

Mr. Thomas, from the select committee to which was referred the bill from the House of Representatives, entitled ‘An act for the relief of a person therein named,’ reported the same back to the Senate with an amendment; which was read and concurred in.

*Ordered*, That the bill, as amended, be read the third time.

On motion of Mr. Thomas,

The rules of the Senate were dispensed with, and the bill read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid—that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. McGahey,

The bill from the House of Representatives, heretofore laid on the table, entitled ‘An act to incorporate the town of Lawrenceville,’ was taken up, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The amendment of the House of Representatives to the bill from the Senate, entitled ‘An act for the construction of the Illinois and Michigan Canal,’ was then concurred in.

*Ordered*, That the Secretary inform the House of Representatives thereof.

On motion of Mr. Davidson,

The resolution of the Senate relative to the election of ‘Attorney General, State’s Attorneys, &c., as amended by the

House of Representatives, which was heretofore laid on the table, was taken up, and

On motion of Mr. Mather,

The amendment of the House of Representatives to said resolution, was amended by inserting, after the words 'State's Attorneys,' the words 'a Warden of the Penitentiary;' also, by striking out the words 'this evening,' and inserting in lieu thereof, the words 'Tuesday, 10th inst.' The amendment of the House of Representatives to said resolution, as amended, was then concurred in.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill, entitled 'An act to amend the act, entitled an act concerning Judgments and Executions, approved, January 17th, 1825,' being under consideration for a third reading, was

On motion of Mr. Gatewood,

Laid on the table until the 4th of July next.

On motion of Mr. Williams,

The committee of the whole were discharged from the further consideration of the bill, entitled

'An act to provide for transcribing certain records therein named.'

On motion of Mr. Williams,

The said bill was then referred to a select committee.

*Ordered*, that Messrs. Williams, Maxwell and Noel, be the committee.

The bill from the House of Representatives, entitled  
'An act to incorporate the Wabash Navigation company,  
approved January 13th, 1825,'

Was read the second time, and

*Ordered* to a third reading.

On motion,

The rules of the Senate were dispensed with, and

The bill read a third time by its title, and

Passed.

*Ordered*, that the title of the bill be as aforesaid, and that the secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled

'An act giving Justices of the Peace jurisdiction in cases of detinue and replevin,'

Was read the second time, and

On motion of Mr. Thomas,

Amended by striking out all after the enacting clause.

On motion of Mr. Williams,

The bill was then referred to a select committee.

*Ordered*, that Messrs. Williams, Edwards and Jones, be the committee.

The bill from the House of Representatives, entitled  
'An act declaring the road from Mount Vernon to Fairfield a state road, was read the second time, and

*Ordered* to a third reading.

On motion,

The rules of the Senate were dispensed with, and

The bill read the third time by its title, and

Passed.

*Ordered*, that the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled,  
'An act to amend an act concerning the Trustees of Shawneetown,'

Was read the second time, and

*Ordered* to a third reading.

The engrossed bill, entitled

'An act for the relief of John G. McDonald,'

Was read the third time, and

Passed.

On motion of Mr. Davidson,

The title of said bill was amended, by adding thereto the words, 'and others.'

*Ordered*, that the title of the bill be as amended, that the secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bills from the House of Representatives, entitled  
'An act relative to a state road therein named,'  
'An act to amend an act, entitled  
'An act to incorporate the St. Clair Turnpike Road Company, approved February 15th, 1833,'

'An act for the incorporation of Fire Companies,' and

'An act to authorize the county commissioners of Edgar county to establish and re-locate a certain road, therein mentioned,'

Were severally read the third time, and

Passed.

*Ordered*, that the titles of the bills be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled

An act making the town of Lower Alton a district for the election of two Justices of the Peace and two Constables; and also for the election of one Justice of the Peace and one Constable at White Hall, in Green county,

Was read the third time, and

Passed.

On motion of Mr. Maxwell,

The title of said bill was amended, so as to read, "An act to provide for the election of Justices of the Peace and Constables, therein named."

*Ordered*, that the title of the bill be as amended, that the secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled

'An act to ascertain the county line between the counties of Morgan and Sangamon,'

Was read the third time, and

Passed.

*Ordered*, that the title of the bill be as aforesaid, that the secretary inform the House of Representatives thereof, and ask their concurrence in the amendments of the Senate to said bill.

The engrossed bill, entitled

'An act concerning the Public Revenue,'

Was read the third time, and

On motion of Mr. Davidson,

Laid on the table.

The engrossed bill, entitled

'An act to change a part of the state road leading from Vandalia to Golconda, and for other purposes,' was,

On motion of Mr. Ewing,

Re-committed to the same select committee who reported it.

The engrossed bills, entitled

'An act establishing a state road therein named,' and

'An act to lay out a road from Blair's ferry to Frankfort, and for other purposes,'

Were severally read the third time by their titles, and  
Passed.

*Ordered*, that the titles of the bill be as aforesaid, that the secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled

'An act to locate a state road from Frankfort, in Franklin county, by way of Vienna, in Johnson county, to the Ohio river,'

Was read the third time by its title, and

Passed.

*Ordered*, that the title of the bill be as aforesaid, that the secretary inform the House of Representatives thereof, and ask their concurrence in the amendment to the same.

The bill from the House of Representatives, entitled

'An act permanently to locate the seat of Justice of Randolph county,'

Was read the third time, and

Passed.

*Ordered*, that the title of the bill be as aforesaid, that the secretary inform the House of Representatives thereof, and ask their concurrence in the amendment of the Senate to the same.

The bill from the House of Representatives, entitled

'An act to amend an act to incorporate the Town of Alton,'

Was read the third time, and

Passed.

On motion of Mr. Edwards,

The title of said bill was amended by inserting the word 'Lower,' before 'Alton.'

*Ordered*, that the title of the bill be as amended, and that the secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled

'An act to authorize a special election in Sangamon county,'

Was read the third time, and

Passed.

*Ordered*, that the title of the bill be as aforesaid, and that the secretary inform the House of Representatives thereof.

Mr. Thomas, from the committee on enrolled bills, reported,

That on this day they laid before the Council of Revision, bills of the following titles,

An act concerning Estrays.'

'An act to incorporate the colleges therein named.'

'An act to authorize Ransom Higgins, to build a toll bridge across Bon Pas Creek, in Edwards county.'

'An act to locate a state road from Rushville, in Schuyler

county, to the town of commerce, in Hancock county.

‘An act concerning public records.’

‘An act to amend an act, entitled

‘An act to regulate the Penitentiary, approved February 19th, 1833.’

The amendments of the House of Representatives, to the bill from the Senate, entitled

‘An act to amend an act appropriating a portion of the avails arising from the sale of the Saline lands in Gallatin county, to internal improvements, approved February 16th, 1831,’

Was then concurred in.

*Ordered*, that the secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled

‘An act to amend an act concerning the Public Revenue, approved February 27th, 1833,’

Was read the first time, and

*Ordered* to a second reading.

On motion,

The rules of the Senate were dispensed with, and the bill read the second time by its title, and

*Ordered* to a third reading.

The bill from the House of Representatives, entitled ‘An act concerning the 16th section in Equality township, Gallatin county,’ was read the first time, and

*Ordered* to a second reading.

On motion,

The rules of the Senate were dispensed with, and the bill read the second time by its title, and

On motion of Mr. Thomas,

Laid on the table.

Mr. Mather proposed for adoption, the following resolution, viz:

*Resolved by the Senate*, (the House of Representatives concurring herein,) That the Speaker of the two Houses adjourn the same, *sine die*, on Wednesday, the 11th inst.

On motion of Mr. Mather,

The said resolution was laid on the table.

On motion,

The Senate adjourned until 2 o’clock.

Senate met pursuant to adjournment.

On motion of Mr. Thomas,

The bill heretofore laid on the table, entitled 'An act to amend the act, entitled an act concerning Marriages, approved, Feb. 14th, 1827,' with the proposed amendment thereto, was taken up.

The amendment proposed to said bill, was then concurred in.

On motion of Mr. Thomas,

The bill was further amended, by striking out the 2d section.

*Ordered*, That the bill, as amended, be engrossed, and read the third time.

On motion,

The Senate then adjourned.

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TUESDAY, February 10th, 1835.

Senate met pursuant to adjournment.

A message from the House of Representatives by Mr. Prickett, their Clerk:

Mr. SPEAKER—I am directed to inform the Senate that the House of Representatives have concurred with them in the passage of the bills from the Senate, entitled

'An act providing for the security of School funds;'

'An act to extend for a limited time, the Charter of the Bank of Illinois at Shawneetown;' and

'An act to incorporate the subscribers to the Bank of the State of Illinois,' as severally amended by them; in which amendments they ask the concurrence of the Senate.

They have passed a bill of the following title, viz:

'An act for the relief of a person therein named,' in which they ask the concurrence of the Senate; and he withdrew.

A message from the Council of Revision by Mr. Brown their clerk:

Mr. SPEAKER—The Council of Revision have approved bills of the following titles, viz:

'An act to amend an act, entitled an act to regulate the Penitentiary, approved, Feb. 19, 1833;'

'An act to locate a State road from Rushville, in Schuyler county, to the town of Commerce, in Hancock county;'

'An act concerning Public Records;'

'An act concerning Estrays;'

'An act to authorize Ransom Higgins to build a toll bridge across Bon Pas creek in Edwards county;'

'An act to incorporate the Colleges therein named;'

An act to prevent trespassing on the Canal lands of this State; and he withdrew.

Mr. Ewing, from the committee on the Judiciary to which was referred a resolution 'directing them to inquire whether the conditional provisions of the several acts of incorporation passed at the last session of the General Assembly, have been in all or any cases, complied with,' &c., reported the same back to the Senate, and asked to be discharged from the further consideration of the subject.

On the question, shall the committee be so discharged?

It was decided in the affirmative.

Mr. Maxwell, from the committee on Military affairs, reported a bill, entitled

'An act to amend an act for the government of the Militia of this State; approved, Feb. 1833,' which was read the first time, and

*Ordered* to a second reading.

On motion,

The rules of the Senate were dispensed with, and the bill read the second time by its title, and

*Ordered* to be engrossed for a third reading.

Mr. Thomas, from the committee on Enrolled bills, reported as correctly enrolled, bills of the following titles, viz:

'An act appointing commissioners to review so much of the State road leading from the county seat of Peoria to the State line of Indiana, as lies in the county of Tazewell, and for other purposes;'

'An act for the benefit of the heirs of Samuel Thriston, deceased;'

'An act to establish the Seat of Justice of Iroquois county;'

'An act to lay out a State road therein mentioned;'

'An act for the altering of the Vincennes and Chicago State road;'

'An act for the construction of the Illinois and Michigan Canal;'

'An act to incorporate the Peoria Bridge Company;'

'An act to change the name of Clayborn Elder;'

'An act to establish a State road from Crow's, in the coun-

ty of Morgan, by the way of Athens, in Sangamon county, to Musick's bridge on Salt creek; and

'An act for the relief of the heirs of Eli Pain, deceased,'

Mr. Thomas, from the committee on the Judiciary to which was referred the bill from the House of Representatives, entitled 'An act to extend the Jurisdiction of Justices of the Peace in certain cases therein named,' reported the same back to the Senate with an amendment, which was read and concurred in.

*Ordered*, That the bill be read the third time.

Mr. Williams from the select committee to which was referred the bill, entitled 'An act to provide for transcribing certain records therein named,' reported the same back to the Senate with an amendment, which was read and concurred in.

*Ordered*, That the bill, as amended, be engrossed for a third reading.

Mr. Williams, from the select committee to which was referred the bill from the House of Representatives, entitled 'An act giving Justices of the Peace Jurisdiction in cases of Detinue and Replevin,' reported the same back to the Senate with an amendment, which was read and concurred in.

*Ordered*, That the bill, as amended, be read the third time.

Mr. Ewing, from the select committee to which was referred the bill, entitled 'An act to change a part of the State road leading from Vandalia to Golconda, and for other purposes,' reported the same back to the Senate with an amendment, which was read and concurred in.

The said bill was then read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid—that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Jones, from the select committee to which was referred the bill, entitled 'An act concerning the appropriation of the Revenue of the several counties in this State,' reported the same back to the Senate with an amendment, which was read and concurred in.

*Ordered*, That the bill, as amended, be engrossed for a third reading.

On motion of Mr. Whiteside,

The engrossed bill heretofore laid on the table, entitled 'An

act to locate a road from Golconda in Pope county, to Pinckneyville in Perry county,' was taken up, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill, entitled 'An act to extend for a limited time, the Charter of the Bank of Illinois at Shawneetown,' with the amendments of the House of Representatives thereto, was

On motion of Mr. Gatewood,

Referred to a select committee.

*Ordered*, That Messrs. Gatewood, Maxwell, and Williamson, be that committee.

The bill, entitled 'An act to incorporate the subscribers to the Bank of the State of Illinois,' with the amendments of the House of Representatives to said bill, was

On motion of Mr. Ewing,

Referred to a select committee of five.

*Ordered*, That Messrs. Ewing, Taylor, Will, Mather, and Williams, be that committee.

The bill from the House of Representatives, entitled 'An act for the relief of a person therein named,' was read the first time, and

*Ordered* to a second reading.

On motion,

The rules of the Senate were dispensed with, and the bill read the second time by its title, and

*Ordered* to a third reading.

On motion,

The rules of the Senate were further dispensed with, and the bill read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Snyder,

The engrossed bill heretofore laid on the table, entitled 'An act concerning the Public Revenue,' was taken up, and

The question being put, shall the bill pass? and the Ayes and Nays having been called for by Messrs. Lane and Noel,

It was decided in the affirmative. Ayes 13—Nays 8.

Those who voted in the affirmative, are

Messrs. Edwards, Hacker, Jones, McGahey, Maxwell, Mills, Mitchell, Rattan, Snyder, Stephenson, Thomas, Vance, and Williams—13.

Those voting in the negative, are

Messrs. Craig, Davidson, Ewing, Gatewood, Lane, Noel, Taylor, and Williamson—8.

*Ordered*, That the title of the bill be as aforesaid—that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled ‘An act to amend an act concerning the Public Revenue, approved, Feb. 27th, 1833,’ was read the third time, and

On motion of Mr. Thomas,

Referred to the committee on the Judiciary.

The bill from the House of Representatives, entitled ‘An act to amend an act concerning the Trustees of Shawneetown,’

Was read the third time, and

Passed.

*Ordered*, that the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The engrossed bill, entitled

‘An act to amend an act, entitled

‘An act concerning Marriages, approved February 14th, 1827,’

Was read the third time, and passed.

*Ordered*, That the title of the bill be as aforesaid, that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled

‘An act compensating Jurors,’

Was read the third time, and

On motion of Mr. Hacker,

Amended, by inserting in the 1st section, after the word seventy-five, the word ‘cents.’

The question was then put, shall the bill pass?

And the ayes and nays having been called for by Messrs. Hacker and Lane,

It was decided in the affirmative. Ayes—18. Nays—7.

Those who voted in the affirmative, are

Messrs. Bond, Craig, Davidson, Edwards, Hacker, Lane, McGahey, Maxwell, Mills, Mitchell, Rattan, Snyder, Stephenson, Taylor, Vance, Whiteside, Williams and Williamson.—18.

Those voting in the negative, are

Messrs. Ewing, Gatewood, Jones, Mather, Noel, Thomas, and Will.—7.

On motion of Mr. Davidson,  
 The title of said bill was amended, so as to read  
 'An act to amend an act, prescribing the mode of summoning Grand and Petit Jurors, and defining their qualifications and duties.'

*Ordered*, that the title of the bill be as amended, that the secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled

'An act to amend an act to license and regulate taverns,'  
 Was read the third time, and  
 Passed.

*Ordered*, that the title of the bill be as aforesaid, that the secretary inform the House of Representatives thereof, and ask their concurrence therein.

The amendments of the House of Representatives to the bill from the Senate, entitled

'An act providing for the security of school funds,'  
 Were then concurred in.

*Ordered*, That the Secretary inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Scates, their assistant clerk:

Mr. SPEAKER—I am directed to inform the Senate that the House of Representatives have concurred with them in their amendments to the amendments of the House, to the resolution from the Senate relative to the election of an Attorney General, five State's Attorneys, a Warden of the Penitentiary, and Judges of Probate in those counties where there are vacancies.

And he withdrew.

On motion of Mr. Mather,

The resolution heretofore laid on the table, relative to the adjourning of both Houses on Wednesday 11th inst.,

Was taken up.

Whereupon,

On motion of Mr. Taylor,

The said resolution

Was again laid on the table.

On motion of Mr. Gatewood,

The committee of the whole were discharged from the further consideration of the bills, entitled

'An act relating to the sale of the Gallatin Saline Lands,'  
 and

'An act concerning the lessees of the Gallatin Saline;  
 Whereupon,  
 On motion of Mr. Gatewood,  
 The said bills were referred to a select committee.  
 Ordered, That Messrs. Gatewood, Davidson, and Vance, be  
 the committee.

On motion;  
 The Senate adjourned until 2 o'clock.

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Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Prickett, their clerk:

'Mr. SPEAKER—I am directed to inform the Senate that the House of Representatives have refused to concur in their amendment to the amendment of the House of Representatives to the amendment of the Senate to the bill from the House of Representatives, entitled

'An act to remove the seat of Justice of Adams county.'

They ask for a committee of conference on the disagreeing vote of the two Houses, in relation to said bill, and have appointed Messrs. Ross, Vandevanter and Butler, the committee on their part.

They also refuse to concur in the amendment of the Senate to the bill from the House of Representatives, entitled

'An act to establish the county seat of Rock Island county.'

They have concurred in the amendment of the Senate, to the bill from the House of Representatives, entitled

'An act to view and lay out a state road from Brownville, by way of Pinckneyville, to New-Nashville, in Washington county.'

The House of Representatives are now ready to receive the Senate in the Hall of the House, and proceed to the election of Attorney General, &c.

And he withdrew.

Whereupon,

The Senate, preceded by Mr. Speaker, repaired to the Representatives Hall, and there, both branches of the General Assembly, proceeded, *viva voce*, to elect an Attorney General; when the vote being taken, it stood thus:

For Jesse B. Thomas; Jr.—Messrs. Bond, Craig, Jones, McGahey, Mather, Maxwell, Mitchell, Rattan, Stephenson, Taylor, Vance, Whiteside, Will and Williamson, of the Senate; Messrs. Able, Blackwell, Bowyer, Brown, Butler, Carpenter, of Hamilton, Carpenter, of Sangamon, Cloud, Dawson, Dunn, Elliott, Fithian, Frazer, Gregory, Hackelton, Hamlin, Hampton, Harris, Harrold, Henry, Hughes, Hunt, Hunter, Lincoln, Link, McGahey, Moore, Murphy, Oliver, Outhouse, Owen, Ross, Rowan, Stuart, Thompson, Trower, Tunnell, Vandevanter, Whiteside, Wren, and Mr. Speaker, of the House of Representatives.—55.

For Alexander P. Dunbar,—Messrs. Davidson, Hacker, Mills, Noel and Williams, of the Senate; Messrs. Clark, Cunningham, Gordon, Manly, Nunnally, Thomas, Webb and Wyatt.—13.

For Seth T. Sawyer—Messrs., Ewing, Gatewood and Snyder, of the Senate; scattering 3 votes.

Whereupon,

Jesse B. Thomas having received a majority of all the votes given,

Was declared, by the Speaker of the House of Representatives, duly elected Attorney General of the State of Illinois, for the ensuing two years.

The two Houses then proceeded to the election of five Circuit Attorneys, for the 1st, 3d, 4th, 5th, and 6th Judicial Circuits; when, the vote being taken, stood thus.

For S. A. Douglass, for Circuit Attorney in the 1st Judicial Circuit, Messrs. Craig, Ewing, Hacker, McGahey, Maxwell, Mitchell, Noel, Rattan, Snyder, Stephenson, Taylor and Will, of the Senate; Messrs. Abel, Blockburger, Bowyer, Carpenter, of Hamilton, Carpenter, of Sangamon, Clark, Dawson, Hackelton, Hampton, Harris, Harrold, Hunter, McGahey, Murphy, Nunnally, Oliver, Outhouse, Owen, Thomas, Thompson, Tunnell, Vandevanter, Whiteside, Wren, Wyatt, and Mr. Speaker of the House of Representatives, 38.

For John J. Hardin, Messrs. Davidson, Edwards, Gatewood, Jones, Mather, Mills, Thomas, Vance, Whiteside, Williams and Williamson, of the Senate; Messrs. Blackwell, Brown, Butler, Cloud, Cunningham, Dubois, Dunn, Elliott, Fithian, Frazer, Gordon, Gregory, Hamlin, Henry, Hunt, Lincoln, Link, Manly, Moore, Ross, Rowan, Stuart and Webb, of the House of Representatives. 34.

Scattering, 2 votes.

For Alexander F. Grant, for Circuit Attorney in the third Judicial Circuit, Messrs. Bond, Davidson, Edwards, Ewing, Gatewood, McGahey, Maxwell, Mills, Mitchell, Noel, Rattan, Snyder, Stephenson, Taylor, Vance and Whiteside, of the Senate; Messrs. Cloud, Dubois, Dunn, Elliott, Fithian, Gordon, Gregory, Hampton, Henry, Hunt, Lincoln, Manly, Rowan, Stewart and Webb, of the House of Representatives. 32.

For John Dougherty, Messrs. Craig, Hacker, Jones, Mathew, Thomas, Will, Williams, and Williamson, of the Senate: Messrs. Able, Blackwell, Blackburgher, Bowyer, Brown, Butler, Carpenter, of Hamilton, Carpenter of Sangamon, Clark, Cunningham, Dawson, Frazer, Hackelton, Hamlin, Harris, Harreld, Hughes, Hunter, Link, McGahey, Moore, Murphey, Nunnally, Oliver, Outhouse, Owen, Ross, Thomas, Thompson, Trower, Tunnell, Vandevanter, Whiteside, Wren, Wyatt, and Mr. Speaker of the House of Representatives—44.

For Orlando B. Ficklin for Circuit Attorney in the 4th Judicial Circuit—Messrs. Davidson, Ewing, Gatewood, Jones, Mills, Stephenson, Taylor, Thomas, Vance, Whiteside, Will, and Williamson of the Senate; Messrs. Able, Blackwell, Bowyer, Brown, Butler, Clark, Cloud, Cunningham, Dawson, Dubois, Dunn, Elliott, Fithian, Frazer, Gordon, Gregory, Hackelton, Hamlin, Harreld, Hughes, Hunt, Hunter, Lincoln, Link, Moore, Murphey, Owen, Ross, Stuart, Trower, Vandevanter, Webb, Whiteside, and Wren of the House of Representatives—46.

For French—Messrs. Bond, Craig, Edwards, Hacker, McGahey, Maxwell, Mitchell, Noel, Rattan, Snyder, and Williams of the Senate; Messrs. Blockburger, Carpenter of Sangamon, Hampton, Harris, Henry, McGahey, Manly, Nunnally, Oliver, Thomas, Thompson, Wyatt, and Mr. Speaker—24. Scattering 5 votes.

For Wm. A. Richardson for Circuit Attorney in the 5th Judicial Circuit—Messrs. Bond, Edwards, Ewing, Gatewood, Hacker, McGahey, Maxwell, Mills, Mitchell, Noel, Rattan, Snyder, Stephenson, Taylor, Whiteside, and Will of the Senate; Messrs. Able, Blackwell, Blockburger, Bowyer, Brown, Butler, Carpenter of Sangamon, Clark, Cloud, Cunningham, Dawson, Dunn, Elliott, Fithian, Gregory, Hackelton, Hamlin, Hampton, Harris, Harreld, Hughes, Hunter, Lincoln, Link, McGahey, Moore, Murphey, Nunnally, Oliver, Outhouse, Ross, Rowan, Stuart, Thomas, Thompson, Trower,

Vandevanter, Whiteside, Wren, Wyatt, and Mr. Spaaker of the House of Representatives—57.

For O. H. Browning—Messrs. Craig, Jones, Mather, Thomas, Vance, and Williams of the Senate; Messrs. Frazer, Gordon, Henry, Owen, and Webb of the House of Representatives—11. Scattering 5 votes.

For James Grant for Circuit Attorney in the 6th Judicial Circuit—Messrs. Craig, Edwards, Ewing, Gatewood, Hacker, McGahey, Maxwell, Mills, Mitchell, Noel, Snyder, Stephenson, Taylor, Vance, and Whiteside of the Senate; Messrs. Able, Blackwell, Blockburger, Bowyer, Butler, Clark, Cloud, Dawson, Dunn, Fithian, Gordon, Gregory, Hackelton, Hamlin, Hampton, Harris, Harreld, Henry, Hughes, Hunter, Lincoln, Link, McGahey, Murphrey, Oliver, Outhouse, Owen, Rowan, Thomas, Tunnell, Whiteside, Wren, and Mr. Speaker of the House of Representatives—48. Scattering 27.

Messrs. Douglass, Dougherty, Ficklin, Richardson, and Grant, having respectively received a majority of all the votes given, were declared, by the Speaker of the House of Representatives, duly elected Circuit Attorneys in the respective Circuits above named.

The two Houses then proceeded to the election of a Warden of the Penitentiary; when the vote being taken, stood thus:

For Stinson H. Anderson—Messrs. Bond, Craig, Davidson, Edwards, Ewing, Gatewood, Jones, McGahey, Maxwell, Mills, Mitchell, Noel, Rattan, Stephenson, Taylor, Thomas, Vance, Whiteside, Will, Williams, and Williamson of the Senate; Messrs. Able, Blackwell, Blockburger, Bowyer, Brown, Butler, Carpenter of Hamilton, Carpenter of Sangamon, Cloud, Cunningham, Dawson, Dubois, Dunn, Elliott, Ficklin, Fithian, Frazer, Gordon, Gregory, Hackelton, Hamlin, Hampton, Harris, Harreld, Henry, Hughes, Hunt, Hunter, Link, McGahey, Moore, Murphrey, Nunnally, Oliver, Outhouse, Owen, Ross, Stuart, Thomas, Trower, Tunnell, Vandevanter, Webb, Whiteside, Wyatt, and Mr. Speaker of the House of Representatives—68. Scattering 6 votes.

Stinson H. Anderson having received a majority of all the votes given, was declared duly elected Warden of the Penitentiary for the ensuing two years.

The two Houses then proceeded to elect, by joint ballot, Judges of Probate in those counties where there were vacancies; when the votes having been taken, it appeared on ex-

amination of the ballots, that the following persons received majorities of all the votes given, and were accordingly declared duly elected Judges of Probate in the respective counties hereinafter named, viz:

For the county of Jasper, GEORGE W. CARRUTHERS.

For the county of Greene, LEWIS W. LINK.

For the county of Mercer, JESSE WILLETT.

The Honorable the Senate then returned to their chamber, and

On motion,  
Adjourned.

*WEDNESDAY, February 11th, 1835.*

Senate met pursuant to adjournment.

Mr. Thomas, from the committee on Enrolled bills, reported;

That on yesterday they laid before the Council of Revision, bills of the following titles, viz:

'An act appointing commissioners to review so much of the state road leading from the county seat of Peoria to the state line of Indiana, as lies in the county of Tazewell, and for other purposes,'

'An act for the benefit of the heirs of Samuel Thurston, deceased,'

'An act to establish the seat of Justice of Iroquois county.'

'An act to lay out a state road therein mentioned.'

'An act for the altering of the Vincennes and Chicago state road,'

'An act for the construction of the Illinois and Michigan canal,'

'An act to incorporate the Peoria Bridge company,'

'An act to change the name of Clayborn Elder,'

'An act to establish a state road from Crows, in the county of Morgan, by way of Athens, in Sangamon county, to Musick's bridge, on Salt Creek,' and

'An act for the relief of the heirs of Eli Pain, deceased.'

They also report as correctly enrolled, bills of the following titles, viz:

'An act to provide for building a toll bridge across the little Galamic,'

‘An act to change the corporate powers of the town of Chicago,’

‘An act to incorporate the Alton Hotel Company,’

‘An act to provide for issuing writs of *Ne exeat*, and *Habeas Corpus*, and for other purposes,’

‘An act to amend an act appropriating a portion of the avails arising from the sale of Saline lands, in Gallatin county, to internal improvements, approved February 16th, 1831,’ and

“An act declaring Crooked Creek, in Schuyler county, a navigable stream.”

A message from the Council of Revision by Mr. Brown, their clerk:

MR. SPEAKER—The Council of Revision have approved bills of the following titles,

‘An act for the construction of the Illinois and Michigan Canal,’

‘An act to establish the seat of Justice of Iroquois county,’

‘An act to incorporate the Peoria Bridge company,’

‘An act to establish a state road from Crows, in the county of Morgan, by way of Athens, in Sangamon county, to Musick’s bridge, on Salt Creek,’

‘An act to change the name of Clayborn Elder,’

‘An act for the altering the Vincennes and Chicago state road,’

‘An act appointing commissioners to review so much of the state road leading from the county seat of Peoria to the state line of Indiana, as lies in the county of Tazewell, and for other purposes,’ and

‘An act to lay out a state road therein mentioned.’

And he withdrew.

A message from the Governor, by Mr. Field, Secretary of State.

‘MR. SPEAKER—I am directed by the Governor to lay before the Senate a written communication.’

And he withdrew.

Said communication was then read, and is as follows, viz:

‘EXECUTIVE DEPARTMENT, VANDALIA, February 10th, 1835.

*To the Hon. the Speaker of the Senate,*

Sir—I beg leave to inform the Senate that a vacancy has occurred in the of-

fice of Judge, of the third Judicial Circuit, by the resignation of Henry Eddy, Esq.

I have the honor to be,

Sir, Your obedient ser'v't.

JOSEPH DUNCAN.

Said communication was then laid on the table.

Another message from the Governor, by Mr. Field, Secretary of State.

MR. SPEAKER—I am directed by the Governor to lay before the Senate a written communication.

And he withdrew.

A message from the House of Representatives, by Mr. Prickett, their clerk:

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives have concurred with them in the passage of a bill, entitled

‘An act to amend an act, entitled

‘An act to incorporate the Rushville and Beardstown turnpike road company.’

They have also concurred with them in the passage of bills of the following titles, viz:

‘An act amending an act creating the county of Tazewell, and the several acts supplemental thereto,’

‘An act to locate a state road from Rushville to Monmouth,’ and

‘An act to locate a state road from Knoxville to New-Boston,’ as severally amended by them; in which they ask the concurrence of the Senate.

They have passed a bill of the following title, viz:

‘An act supplemental to an act concerning the county of Fulton,’ approved February 25th, 1833, in the passage of which, they ask the concurrence of the Senate.’

And he withdrew.

Mr. Ewing asked and obtained leave to introduce the remonstrances of sundry citizens of Marion county, against the alteration of the state road leading from Vandalia to Golconda; and

On motion of Mr. Ewing,

The reading thereof was dispensed with, and the remonstrances

Laid on the table.

Mr. Thomas, from the committee on enrolled bills, reported, that on this day they laid before the Council of Revision, bills of the following titles, viz:

'An act to provide for building a toll bridge across the little Calamic,'

'An act to change the corporate powers of the town of Chicago,'

'An act to incorporate the Alton Hotel Company,'

'An act to provide for issuing writs of *Ne exeat*, and *habeus corpus*, and for other purposes,'

'An act to amend an act appropriating a portion of the avails arising from the sale of the Saline Lands in Gallatin county, to internal improvements, approved February 16th, 1831,' and,

'An act declaring Crooked Creek, in Schuyler county a navigable stream.'

Mr. Ewing, from the select committee to which was referred the bill from the House of Representatives, entitled

'An act providing compensation for Grand and Petit Jurors,' reported the same back to the Senate with an amendment,

Which was read and concurred in.

*Ordered*, That the bill as amended be read the third time.

Mr. Ewing from the select committee to which was referred the bill, entitled

'An act to incorporate the subscribers to the bank of the state of Illinois,' with the amendments of the House of Representatives thereto; reported the same back to the Senate without amendment, and recommended that the Senate concur in the amendments of the House to said bill.

The said amendments were then concurred in.

*Ordered*, That the Secretary inform the House of Representatives thereof.

Mr. Edwards, from the joint select committee, which was appointed to prepare a digest of all the laws in force, in reference to School lands, and Education, proposed for adoption, the following resolution, viz:

*Resolved by the General Assembly of the State of Illinois*, That the joint select committee appointed to digest and publish, in pamphlet form, the present School Laws with such amendments as the present Legislature may engrift thereon, to be distributed among the several school districts in this state, be authorized to perform the duty enjoined upon them, during the recess of the General Assembly; and they are required to perform and cause to be published with said laws, all the forms necessary to be used by School Commissioners,

Trustees, and inhabitants of townships and school districts, in the execution of said laws.

On the question, shall said resolution be adopted ?

It was decided in the affirmative.

*Ordered*, that the Secretary inform the House of Representatives thereof.

Mr. Lane proposed for adoption the following resolution, viz:—

*Resolved by the Senate*, (the House of Representatives concurring therein.) That the two Houses, at 12 o'clock of this day M. will proceed to the election of a Circuit Judge for the 3d Judicial Circuit, of this State.

On motion of Mr. Hacker,

The said resolution was laid on the table.

A Message from the House of Representatives, by Mr. Scates, their assistant clerk.

MR. SPEAKER,—I am directed to inform the Senate that the House of Representatives have concurred with them in the passage of bills of the following titles, viz:

‘An act in addition to an act supplemental to an act, entitled

‘An act to provide for raising a revenue,’ and

‘An act to repeal all laws authorizing the taxing and collecting of the docket fee in any case, either in law or Chancery,’ as severally amended by them; in which amendments they ask the concurrence of the Senate.

They have also amended the title of the last named bill, so as to read, ‘An act supplemental to the act to provide for the election of county Recorders and Surveyors,’

In which amendments, they ask the concurrence of the Senate.

They have adopted the following resolution, viz:

*Resolved by the House of Representatives*, (the Senate concurring herein,) That each House meet in the Hall of the House of Representatives at 6 o'clock, P. M. to-day, for the purpose of electing a Judge for the 3d Judicial Circuit; in the adoption of which they ask the concurrence of the Senate.

And he withdrew.

A message from the House of Representatives by Mr. Prickett their clerk:

MR. SPEAKER—I am directed to inform the Senate that the House of Representatives do not concur in the amendment

of the Senate to the bill from the House of Representatives, entitled 'An act for the relief of a person therein named.'

They have concurred with the Senate in the passage of a bill, entitled 'An act to establish a State road from Equality to McLeansboro,' as amended by them; in which amendment they ask the concurrence of the Senate.

They have laid on the table until the 4th day of July next, the bill from the Senate, entitled 'An act to amend the act, entitled an act concerning marriages; approved, Feb. 14th, 1827.'

And he withdrew.

Mr. Will, from the committee on Salines, made the following report, viz:

The committee on Salines, to which was referred the communication of the Auditor of Public Accounts, under date of the 2d inst., enclosing a statement of the sales of the Saline Reserve lands, in Gallatin and Vermilion counties, and the amount of the former with the State, up to the present time, ask leave to

#### REPORT:

That, from the statement above referred to, it appears that the whole amount of the Gallatin Saline Reserve lands sold, is 33,153 acres, producing \$23,444 68-100—that the commissioner for the sale of those lands, has paid into the State Treasury, and otherwise accounted for, the sum of \$15,734 41-100, leaving a balance, unaccounted for, of seven thousand seven hundred and ten dollars and twenty-seven cents, which, no doubt, will be accounted for when a final settlement shall be made.

Of the Vermilion Saline Reserve, there have been sold 20,013 acres, producing \$25,840 25-100, part of which has been paid into the State Treasury, and the remainder is on hand, ready to be paid over to the several counties for which it has been appropriated. The committee would remark, that all the counties entitled to appropriations out of the proceeds of the sales of the Gallatin county Saline Reserve, have not yet received them, and it is thought that it would be but justice to those counties to grant them the privilege of selecting such portion of those lands, at seventy-five cents per acre, as will satisfy those appropriations, and for that object, the committee report a bill.

Inasmuch as a large proportion of the lands reserved for the Gallatin and Vermilion Salines, which were permitted to

be sold by acts of Congress, have been disposed of, leaving a residuum of no great value or importance, the committee would recommend, that the offices created by the State for the sale of those lands, be now abolished, and that the county commissioners' courts of the several counties, most entitled to appropriations out of the residuum of the Vermilion Saline Reserve lands, be permitted to select certain specified portions thereof, to be expended in works of internal improvement. For this object, they also report a bill, being fully satisfied that it is the most effectual means of adjusting that concern, and bringing it to a final close.

In regard to the Gallatin county Saline, so far as it is regarded as a source of revenue to the State, from the rents paid by the lessees, the committee would remark, that they have no satisfactory information to communicate, other than that contained in the letter of the Auditor above referred to. From that, it appears that the superintendent has made no report to the Auditor, or settlement with that officer, as required by law. It seems, however, from documents on file in the Auditor's office, that the sum of \$1,911 is due the State for rents, from which is to be deducted the sum of \$700, being the superintendent's salary for the years 1833 and 1834, leaving a balance unaccounted for, should there be no other deductions, of twelve hundred and eleven dollars.

Regarding this Saline as a very important branch of the public revenue, and as at present managed, not advancing the interests of the community in any great degree, the committee would recommend an application to Congress for permission to sell it, pledging the proceeds to purposes of Education and internal improvements. The committee believe that in the hands of individual owners, and managed by individual enterprize alone, the purposes and wants of the community would be better served by the rapid increase in the quantity of the manufacture, and the consequent depreciation of price, than by the present expensive management. The same remarks will apply with equal, or greater force, to the "Muddy Saline," and should Congress authorize a sale, by the State, of both, a fund of no trifling amount would be provided, which, in addition to other means, now, or hereafter to be at the disposal of the State, could be applied to the advancement of either of the objects alluded to, the beneficial results of which would be extensively felt, and be as durable as our free institutions.

Should, however, the wisdom of the legislature decide differently, the committee would then recommend that the office of superintendent be now abolished, and his duties transferred to the Auditor of Public Accounts, and that all rents due, or to become due the State, be paid directly into the State Treasury. To this end, the committee report a bill. The committee are fully satisfied, should the State determine to keep and control that property, that its concerns can be much more safely and profitably managed in the mode proposed by the bill, than by the present one. Not only will the State be relieved from much unfruitful and expensive legislation in regard to it, but also relieved from a biennial election of the officer and the payment of his salary, which the rents received would be more promptly accounted for.

As connected with this enquiry, the committee would recommend that some prompt and efficient mode should be adopted to compel the superintendent, receiver, and commissioner, to settle their accounts, and of enforcing collections where they may be in arrears, and with that view, the committee report a bill.

Should the recommendation of the committee, as to the sale of the Gallatin and Muddy Saline, be favorably received, they would suggest the propriety of a memorial to Congress, at this session, asking such permission. They have no doubt but that it would be favorably considered, and the wishes of the people thereby accomplished.

All which is respectfully submitted.

The first, third and fourth bills mentioned in said report, entitled,

'An act concerning the Gallatin Saline Reserve Lands,'

'An act abolishing the office of Superintendent of the Gallatin county Saline, of Commissioner for the sale of the Saline reserve Lands, in the county of Gallatin, and of Register and Receiver of the Vermillion Saline Lands, and for other purposes,' and

'An act relating to the superintendent of the Gallatin county Saline, and for other purposes,'

Were severally read the first time, and

*Ordered to a second reading.*

On motion,

The rules of the Senate were dispensed with, and the bills severally read the second time by their titles, and

On motion of Mr. Davidson,

Referred to a select committee.

*Ordered*, that Messrs. Davidson, Gatewood and Vance, be the committee.

The second bill mentioned in said report, entitled  
 ‘An act relating to the residuum of the Vermilion Saline Lands,’

Was read the first time, and

*Ordered*, to a second reading.

On motion,

The rules of the Senate were dispensed with, and the bill read the second time by its title, and

On motion of Mr. Vance,

Referred to the same select committee to which was referred the bill, entitled

‘An act making an appropriation to the bridge across the Big Vermillion River.’

Mr. Gatewood, from the select committee to which was referred the bill, entitled

‘An act to extend, for a limited time, the charter of the Bank of Illinois, at Shawneetown,’ with the amendments of the House of Representatives thereto, reported the same back to the Senate without amendment, and recommended the concurrence in the amendments of the House to said bill.

On the question, will the Senate concur with the House of Representatives in their amendments to said bill,

It was decided in the affirmative.

*Ordered*, that the secretary inform the House of Representatives thereof.

On motion of Mr. Bond,

The bill heretofore laid on the table, entitled

‘An act altering the state road from Vincennes to St. Louis,’ with the amendment,

Was taken up, and

*Ordered* to a third reading.

The request of the House of Representatives, that a committee of conference be appointed on the disagreeing vote of the two Houses, relative to the bill from the House, entitled

‘An act to remove the seat of Justice of Adams county,’ being under consideration.

The Senate refused to appoint said committee in accordance with the request of the House.

*Ordered*, that the secretary inform the House of Representatives thereof.

**On motion of Mr. Stephenson,**

The Senate receded from their amendment to the bill from the House of Representatives, entitled

'An act to establish the seat of Justice of Rock Island county.'

*Ordered*, that the secretary inform the House of Representatives thereof.

The amendments of the House of Representatives, to the bills from the Senate, entitled

'An act amending an act creating the county of Tazewell, and the several acts supplemental thereto,'

'An act to locate a state road from Rushville to Monmouth,' and

'An act to locate a state road from Knoxville to New-Boston,'

Were severally concurred in.

*Ordered*, that the secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled

'An act supplemental to an act concerning the county of Fulton, approved Feb. 25th, 1833,'

Was read the first time, and

*Ordered* to a second reading.

**On motion,**

The rules of the Senate were dispensed with, and the bill read the second time by its title, and

**On motion of Mr. Williams,**

Referred to a select committee.

*Ordered*, that Messrs. Williams, Maxwell and Stephenson, be the committee.

Mr. Hacker, from the select committee, to which was referred the bill, entitled

'An act making an appropriation to the bridge across Big Vermilion river,' reported the same back to the Senate without amendment, and

**On motion of Mr. Hacker,**

The said bill was laid on the table.

Mr. Hacker, from the same select committee to which was referred the bill, entitled

'An act relating to the residuum of the Vermilion Saline Lands,' reported the same back to the Senate with an amendment.

Which was read and concurred in.

*Ordered*, that the bill, as amended, be engrossed for a third reading.

The bill from the Senate entitled

‘An act to repeal all laws authorizing the taxing and collecting of the docket fee in any case, either at law or in Chancery,’ with the amendments of the House thereto, was,

On motion of Mr. Thomas,

Laid on the table.

Mr. Bond proposed for adoption the following resolutions, viz:—

*Resolved by the Senate and House of Representatives*, That the room adjoining the office of the Treasurer, and usually occupied by the Supreme Court, be set apart for, and occupied as the office of the Attorney General.

*Resolved*, That the Supreme Court shall hereafter hold their sessions in the Senate chamber, except during the session of the Legislature.

On motion of Mr. Thomas,

The said resolutions were laid on the table.

The resolution from the House of Representatives, ‘relative to the meeting of the two Houses this evening, at 6 o’clock, in the Hall of the House, for the purpose of electing a Judge for the third Judicial Circuit,’ was

On motion of Mr. Ewing,

Amended, by adding the words, ‘and a President and Directors of the State Bank.’

The resolution as amended, was then concurred in.

*Ordered*, that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The amendment of the House of Representatives to the bill from the Senate, entitled

‘An act in addition to an act supplemental to an act, entitled ‘an act to provide for raising a revenue,’

Was then concurred in.

*Ordered*, That the Secretary inform the House of Representatives thereof.

On motion of Mr. Thomas,

The bill from the House of Representatives, entitled

‘An act for the relief of a person therein named,’ with the amendment of the House of Representatives thereto,

Was laid on the table.

The amendment of the House of Representatives to the bill from the Senate, entitled

'An act to establish a state road from Equality to McLeansboro,'

Was then concurred in.

*Ordered*, that the secretary inform the House of Representatives thereof.

On motion of Mr. Ewing,

The bill heretofore laid on the table, entitled 'An act making certain appropriations,' was taken up, and

Referred to a select committee.

*Ordered*, That Messrs. Ewing, Bond, and Mather, be the committee.

Mr. Lane, from the select committee to which was referred the bill from the House of Representatives, entitled 'An act to change part of the State road leading from Equality to Mount Vernon,' reported the same back to the Senate without amendment: Whereupon,

On motion of Mr. Lane,

The said bill was laid on the table.

The engrossed bill, entitled 'An act to amend an act for the government of the militia of this State, approved, Feb. 1833,' was read the third time.

Mr. Thomas moved to amend said bill, by adding the following as an additional section, viz:

'That so much of the militia law as allows pay to brigade majors,' is hereby repealed.

The question being put on said motion, and the Ayes and Nays having been called for by Messrs. Thomas and Mather, It was decided in the affirmative. Ayes 13—Nays 7.

Those who voted in the affirmative, are

Messrs. Bond, Craig, Davidson, Edwards, Gatewood, Mather, Mills, Noel, Rattan, Snyder, Taylor, Thomas, and Vance —13.

Those voting in the negative, are

Messrs. Ewing, Hacker, Lane, Maxwell, Mitchell, Stephen-son, and Williamson—7.

Mr. Ewing moved indefinitely to postpone the considera-tion of said bill; which was not agreed to.

Mr. Hacker moved to lay said bill on the table, which was also not agreed to.

Mr. Lane moved further to amend said bill by adding the following section, viz:

Sec. 6. That the brigade majors shall hereafter be exempt-

ed from all fines for failing to equip themselves as required by law.

Which was decided in the negative.

The bill as amended, was then passed.

On motion of Mr. Maxwell,

The title of said bill was amended so as to read 'An act to amend an act for the organization and government of the militia of this State, approved, March 2d, 1833.'

*Ordered*, That the title of the bill be as amended—that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled 'An act to extend the jurisdiction of Justices of the Peace in certain cases therein named,' was read the third time as amended, and passed.

*Ordered*, That the title of the bill be as aforesaid—that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled 'An act to provide for transcribing certain records therein named,' was read the third time, and passed.

*Ordered*, That the title of the bill be as aforesaid—that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled 'An act concerning the appropriation of the revenue of the several counties in this State,' was read the third time by its title, and passed.

On motion of Mr. Thomas,

The title of said bill was amended, so as to read 'An act supplementary to the act incorporating the Jacksonville and Meredocia raid road company.'

*Ordered*, That the title of the bill be as amended—that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The bill from the House of Representatives, entitled 'An act giving Justices of the Peace jurisdiction in cases of Detinue and Replevin,' was read the third time by its title, and passed.

On motion,

The title of said bill was amended so as to read 'An act concerning Judgments and Executions.'

*Ordered*, That the title of said bill be as amended—that the

Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion,

The Senate adjourned until 2 o'clock.

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Senate met pursuant to adjournment.

A message from the House of Representatives by Mr. Prickett, their clerk:

Mr. SPEAKER—I am directed to inform the Senate that the House of Representatives have concurred with the Senate in the passage of the bill, entitled ‘An act regulating the times of holding the Supreme and Circuit Courts, and fixing the salary of the Circuit Judges,’ as amended by them; in which amendments they ask the concurrence of the Senate.

They have passed a bill of the following title, viz:

‘An act declaring Spoon river a navigable stream;’ in the passage of which they ask the concurrence of the Senate.

And he withdrew.

On motion of Mr. Maxwell,

The vote this day taken on concurring with the House of Representatives in their amendment to the bill from the Senate, entitled ‘An act to locate a State road from Knoxville to New Boston,’ was reconsidered: Whereupon,

On motion of Mr. Maxwell,

The amendment of the House of Representatives to said bill was amended by inserting, after the word ‘county,’ in the 5th line of the 4th section, the words ‘to the county seat of Rock Island county.’

The amendment of the House as amended

Was then concurred in.

*Ordered*, that the secretary inform the House of Representatives thereof, and ask their concurrence therein.

The amendments of the House of Representatives to the bill from the Senate, entitled

‘An act regulating the terms of holding the supreme and Circuit Courts, and fixing the salary of the Circuit Judges,’ being under consideration,

Mr. Ewing moved to amend said amendments, by adding thereto the following section, viz:

Sec. The several clerks of the Circuit Courts, appointed

or to be appointed under the ‘act to establish a uniform mode of holding Circuit Courts, approved January 7th, 1835.’ shall give bond, be qualified and exercise the duties of their offices, as specified in the act regulating the Supreme and Circuit Courts, approved Jan. 19th, 1829.

The question being put on said motion, and the ayes and nays having been called for by Messrs. Ewing and Hacker,

It was decided in the affirmative. Ayes 17:—Nays 7.

Those voting in the affirmative, are

Messrs. Bond, Craig, Davidson, Ewing, Hacker, Lane, McGahey, Maxwell, Mitchell, Noel, Rattan, Snyder, Stephen-  
son, Taylor, Vance, Whiteside and Williamson,—17.

Those voting in the negative, are

Messrs. Edwards, Gatewood, Jones, Mather, Mills, Thomas and Williams.—7.

The question being then put, on concurring with the House of Representatives, in their amendments to said bill as amended,

The said amendments were all concurred in, except the amendment to the 2d section, and the amendment relative to the time of holding the Circuit Court, in White county; in which amendments the Senate refused to concur.

*Ordered*, that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

A message from the Council of Revision by Mr. Brown, their clerk:

MR. SPEAKER—The Council of Revision have approved bills of the following titles, viz:

‘An act to provide for issuing writs of *Ne Exeat* and *habeus corpus*, and for other purposes.’

‘An act declaring Crooked Creek in Schuyler county, a navigable stream.’

‘An act to amend an act appropriating a part of the avails arising from the sale of Saline lands in Gallatin county, to internal improvements, approved February 16, 1831.’

‘An act to change the corporate powers of the town of Chicago,’ and

‘An act to provide for building a toll bridge across the Little Calamic.’ And he withdrew.

The bill from the House of Representatives, entitled

‘An act declaring Spoon River, a navigable stream,’

Was read the first time, and

*Ordered* to a second reading. On motion,

The rules of the Senate were dispensed with, and

The bill read the second time by its title, and  
*Ordered* to a third reading.

On motion,

The rules of the Senate were further dispensed with, and  
 The bill read a third time by its title, and

Passed.

*Ordered*, that the title of the bill be as aforesaid, and that the  
 secretary inform the House of Representatives thereof.

On motion of Mr. Thomas,

The bill heretofore laid on the table, entitled  
 'An act concerning the 16th section, in Equality town-  
 ship, Gallatin county,

Was taken up, and

*Ordered*, to a third reading.

On motion,

The rules of the Senate were dispensed with, and the bill  
 read the third time by its title, and

Passed.

*Ordered*, that the title of the bill be as aforesaid, and that  
 the Secretary inform the House of Representatives thereof.

On motion of Mr. Maxwell,

The bill from the House of Representatives, entitled

'An act to provide for the election of County Recorders,  
 and Surveyors,' with the objections of the Council of Revis-  
 ion thereto, which was heretofore laid on the table,

Was taken up,

And the question being put, shall the bill pass, the objec-  
 tions of the Council to the contrary notwithstanding ?

And the ayes, and nays having been called for by Messrs.  
 Noel and Maxwell,

It was decided in the affirmative. Ayes, 17. Nays, 8.

Those who voted in the affirmative, are

Messrs. Bond, Craig, Davidson, Edwards, Ewing, Hacker,  
 Lane, McGahey, Maxwell, Mitchell, Noel, Rattan, Snyder,  
 Stephenson, Taylor, Whiteside, and Will,—17.

Those voting in the negative, are

Messrs. Gatewood, Jones, Mather, Mills, Thomas, Vance,  
 Williams and Williamson,—8.

*Ordered*, That the title of the bill be as aforesaid, and that  
 the secretary inform the House of Representatives thereof.

The amendment of the House of Representatives to the bill  
 from the Senate, entitled

'An act to repeal all laws authorizing the taxing and col-

lecting the docket fee in any case, either at law or in Chancery,' which was this day laid on the table, was

On motion,

Taken up,

Whereupon,

Mr. Thomas moved to amend said amendment by adding the following section, viz:

The fees of Recorders shall hereafter be as follows:

For recording all deeds, mortgages and other instruments of writing, for every 100 words, 10 cents. For copies of the same, when requested, for every 100 words, 6 cents. For every search of record, 6 cents.

Official certificate with seal, when requested, 25 cents.

For each certificate without seal, 25 cents.

The question having been put, on the said amendment, and the ayes and nays having been called for by Messrs. Williams and Thomas,

It was decided in the negative. Ayes, 7. Nays, 17.

Those who voted in the affirmative, are

Messrs. Bond, Gatewood, Jones, Lane, Thomas, Vance and Williams.—7.

Those voting in the negative, are

Messrs. Craig, Davidson, Edwards, Ewing, Hacker, McGahey, Mather, Maxwell, Mills, Mitchel, Noel, Rattan, Snyder, Stephenson, Taylor, Whiteside and Williamson—17.

The question was then put, on concurring with the House of Representatives, in their amendment to said bill, and the ayes and nays having been called for by Messrs. Gatewood and Hacker,

It was decided in the affirmative. Ayes, 17. Nays, 7.

Those who voted in the affirmative, are

Messrs. Bond, Craig, Davidson, Edwards, Ewing, Hacker, Jones, McGahey, Maxwell, Mitchell, Noel, Rattan, Snyder, Stephenson, Taylor, Whiteside and Williamson,—17.

Those voting in the negative, are

Messrs. Gatewood, Lane, Mather, Thomas, Vance, and Williams,—7.

The amendment of the House of Representatives to the title of said bill,

Was also concurred in.

*Ordered*, that the secretary inform the House of Representatives thereof.

Mr. Speaker announced that the communication from the

Governor, this day last received, was on Executive business;  
 Whereupon,  
 The doors were closed, and  
 On opening the doors,  
 On motion,

The Senate adjourned until 6 o'clock.

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Senate met pursuant to adjournment:

A message from the House of Representatives by Mr. Prickett, their Clerk:

Mr. SPEAKER—I am directed to inform the Senate that the House of Representatives have receded from their vote of non concurrence in the amendment of the Senate to the amendment of the House of Representatives to the amendment of the Senate, to the bill from the House, entitled

‘An act to remove the seat of Justice of Adams county,’

They have concurred in the amendments of the Senate to the bills from the House of Representatives, entitled

‘An act to ascertain the county line between the counties of Morgan and Sangamon,’

‘An act to locate a state road from Frankfort in Franklin county, by way of Vienna in Johnson county, to the Ohio River,’

‘An act permanently to locate the seat of Justice of Randolph county.’

They have concurred with the Senate in the passage of bills of the following titles, viz:

‘An act to change a part of the state road leading from Vandalia to Golconda, and for other purposes,’ and

‘An act to lay out a road from Blair’s Ferry to Frankfort, and for other purposes.’

They have also concurred with them in the passage of bills, entitled

‘An act establishing a state road, therein named,’ and

‘An act to amend an act prescribing the mode of summoning Grand and Petit Jurors, and defining their qualifications and duties,’ as respectively amended by them, in which amendments they ask the concurrence of the Senate.

'They do not concur in the amendment of the Senate to the title of the bill, entitled

'An act to amend an act to incorporate the town of Alton.'

They have concurred in the Senate's amendment, to the title of the bill, entitled

'An act making the town of Lower Alton a district for the election of two Justices of the Peace and two Constables; also, for the election of one Justice of the Peace and one Constable at White Hall, in Greene county.'

They have laid on the table, until the 4th day of July next, the bill from the Senate, entitled 'An act concerning the public revenue.'

They have concurred in the amendment of the Senate to the resolution from the House of Representatives, in relation to the election of a Judge in the 3d Judicial Circuit; and he withdrew.

A message from the House of Representatives by Mr. Scates, their assistant clerk:

**MR. SPEAKER**—I am directed to inform the Senate that the House of Representatives are now ready to receive them in the Hall of the House, and proceed to the election of Judge of the 3d Judicial Circuit, and President and Directors of the State Bank of Illinois; and he withdrew: Whereupon,

The Senate, preceded by Mr. Speaker, repaired to the Representatives' Hall, and then both branches of the General Assembly proceeded to elect, by joint ballot, a Judge of the third Judicial Circuit; when the vote being taken, it appeared, on examination of the ballots, that Alexander F. Grant had forty votes, and Walter B. Scates had thirty-five votes for Judge of the third Judicial Circuit. Scattering 2 votes.

Alexander F. Grant having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected Judge of the third Judicial Circuit.

The two Houses then proceeded to elect, *viva voce*, a President and Directors of the State Bank of Illinois; when the vote being taken, stood thus:

For Elijah C. Berry for President of the State Bank of Illinois—Messrs. Bond, Davidson, Edwards, Ewing, Hacker, McGahey, Mather, Maxwell, Mills, Noel, Rattan, Snyder, Stephenson, Taylor, Thomas, Vance, Whiteside, and Will of the Senate; Messrs. Able, Blackwell, Bowyer, Brown, Du-bois, Dunn, Elliott, Ficklin, Fithian, Frazer, Hackelton, Har-

reld, Henry, Hunt, Hunter, Lincoln, McGahey, Moore, Murphrey, Owen, Ross, Rowan, Stuart, Thomas, Vandevanter, Webb, Whiteside, Wyatt, and Mr. Speaker of the House of Representatives—47. Scattering 18.

For James Black, A. P. Field, Levi Davis, John Y. Sawyer, Wm. H. Brown, and R. H. Peebles, for Directors of the State Bank of Illinois—Messrs. Craig, Davidson, Edwards, Ewing, Hacker, Mather, Mills, Noel, Rattan, Stephenson, Vance, Whiteside, and Will of the Senate; Messrs. Able, Blackwell, Blockburger, Bowyer, Clark, Cunningham, Dawson, Dougherty, Dunn, Elliott, Fithian, Frazer, Gordon, Hackelton, Hamlin, Hampton, Harris, Harrel, Henry, Hunt, Hunter, Lincoln, McGahey, Moore, Murphrey, Outhouse, Owen, Ross, Stuart, Thomas, Tunnell, Vandevanter, Webb, Whiteside, Wyatt, and Mr. Speaker of the House of Representatives—50. Scattering 8.

Elijah C. Berry having received a majority of all the votes given for President; and James Black, A. P. Field, Levi Davis, Wm. H. Brown, John Y. Sawyer, and R. H. Peebles having respectively received a majority of all the votes given for Directors, were declared, by the Speaker of the House of Representatives, duly elected President and Directors of the State Bank of Illinois: Whereupon,

The Honorable the Senate returned to their chamber, and On motion, adjourned until to-morrow, 9 o'clock.

THURSDAY, February 12, 1835.

Senate met pursuant to adjournment.

A message from the House of Representatives by Mr. Prickett, their clerk:

Mr. SPEAKER—I am directed to inform the Senate that the House of Representatives have passed bills of the following titles, viz:

‘An act making appropriations for the years 1835 and 1836;’ and

‘An act concerning public officers;’ in the passage of which they ask the concurrence of the Senate.

They have refused to read the third time the bills from the Senate, entitled

‘An act for the benefit of Peter Warren, John Stern, and Andrew Caldwell,’ and

‘An act to amend an act to provide for the taking the census or enumeration of the inhabitants of the State.’

They have laid upon the table until the 4th day of July next, the bill from the Senate, entitled ‘An act to make an appropriation for building a bridge across Hickory creek, on the State road leading from Vandalia to Salem. And he withdrew.

Mr. Thomas, from the committee on Enrolled bills, reported, as correctly enrolled, bills of the following titles, viz:

‘An act amending an act creating the county of Tazewell, and the several acts supplemental thereto;’

‘An act to incorporate the subscribers to the Bank of the State of Illinois;’

‘An act to establish a State road from Equality to McLeansboro;’

‘An act in addition to an act, supplemental to an act, entitled an act to provide for raising a revenue;’

‘An act to locate a State road from Rushville to Monmouth;’

‘An act to amend an act, entitled an act to incorporate the Rushville and Beardstown turnpike road company;’

‘An act providing for the security of the School funds;’

‘An act to extend for a limited time, the Charter of the Bank of Illinois at Shawneetown;’

‘An act for the benefit of the infant heirs of Robert B. Murphrey, late of Perry county, deceased;’

‘An act to authorize Aurelia Hotchkiss to sell or exchange a certain tract of land;’

‘An act for the incorporation of Fire companies;’

‘An act to amend an act, entitled an act to incorporate the St. Clair turnpike road company, approved, Feb. 12th, 1833;’

‘An act to authorize a special election in Sangamon county;’

‘An act to authorize the County commissioners of Edgar county to establish and re-locate a certain road therein mentioned;’

‘An act relative to a State road therein named;’

‘An act declaring the road from Mount Vernon to Fairfield a State road;’

'An act to amend an act to incorporate the Wabash navigation company, approved, January 13th, 1835;'

'An act to view and lay out a State road from Brownsville by way of Pinckneyville, to New Nashville, in Washington county;'

'An act to incorporate the town of Lawrenceville; also,

That on this day the said bills were laid before the Council of Revision.

Mr. Ewing, from the committee on the Judiciary to which was referred the bill, entitled 'An act supplementary to an act to establish an uniform mode of holding Circuit Courts, approved, January 7th, 1835,' reported the same back to the Senate with an amendment, which was read and concurred in.

*Ordered*, that the bill, as amended, be engrossed for a third reading.

On motion,

The rules of the Senate were dispensed with, and  
The bill read the third time by its title, and  
Passed.

On motion of Mr. Ewing,

The title of said bill was amended so as to read  
'An act for the benefit of Bank Debtors,'

*Ordered*, that the title of the bill be as amended, that the secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Ewing, from the select committee to which was referred the bill, entitled

'An act making certain appropriations,' reported the same back to the Senate with an amendment.

Which was read and concurred in.

*Ordered*, that the bill as amended, be engrossed for a third reading.

On motion,

The rules of the Senate were dispensed with, and the bill read the third time by its title, and

Passed.

On motion of Mr. Ewing,

The title of said bill was amended so as to read, 'an act for the benefit of the counties therein named.'

*Ordered*, that the title of the bill be as amended, that the secretary inform the House of Representatives thereof, and ask their concurrence therein.

The question being put, on concurring with the House of

Representatives in their amendment to the bill from the Senate, entitled

'An act establishing a state road therein named.'

It was decided in the negative.

*Ordered*, that the secretary inform the House of Representatives thereof.

On motion of Mr. Thomas,

The Senate receded from their amendment to the title of the bill from the House of Representatives, entitled

'An act to amend an act to incorporate the town of Alton.'

The bill from the House of Representatives, entitled

'An act making appropriations for the years 1835, and 1836,'

Was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Davidson,

The rules of the Senate were dispensed with and the bill read the second time by its title, and

Committed to a committee of the whole.

The bill from the House of Representatives, entitled

'An act concerning public officers,'

Was read the first time, and

*Ordered* to a second reading.

On motion,

The rules of the Senate were dispensed with, and the bill read the second time by its title, and

*Ordered* to a third reading.

On motion,

The rules of the Senate were further dispensed with and

The bill read the third time by its title, and

Passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Davidson,

The Senate then resolved itself into a committee of the whole, on the bill from the House of Representatives, entitled

'An act making appropriations for the years 1835, and 1836,'

Mr. Davidson in the chair; and after some time spent there in, Mr. Speaker resumed the chair and Mr. Davidson reported,

That the committee of the whole had, according to or

had said bill under consideration, made some progress therein, and had directed him to ask leave to sit again.

On the question, shall the committee have leave to sit again?

It was decided in the affirmative.

A message from the House of Representatives by Mr. Prickett, their clerk:

MR. SPEAKER—I am directed to inform the Senate that the House of Representatives have concurred with them in the passage of a bill, entitled

'An act for the relief of John G. McDonald, and others.'

They have also concurred with them in the passage of a bill, entitled

'An act to locate a road from Golconda, in Pope county, to Pinckneyville, in Perry county,' as amended by them, in which amendment they ask the concurrence of the Senate.

They have also concurred with them in the adoption of a resolution authorizing the joint select committee appointed by the two Houses, to digest the school laws, &c. to perform said duty during the recess of the General Assembly.'

And he withdrew.

Another message from the House of Representatives, by Mr. Prickett their clerk.

MR. SPEAKER—I am directed to inform the Senate that the House of Representatives have receded from their amendment to the bill from the Senate, entitled

'An act regulating the times of holding the Supreme and Circuit Courts, and fixing the salaries of the Circuit Judges—fixing the time of holding the Circuit Court in the county of White: but refuse to recede from their amendment to the 2d section of said bill.'

They have also concurred in the amendment of the Senate to the amendment of the House of Representatives to said bill.

They have concurred with the Senate in their amendment to the bill from the House of Representatives, entitled

'An act to extend the jurisdiction of Justices of the Peace in certain cases therein named,' as amended by them, in which amendment of the House of Representatives to the amendment of the Senate, they ask the concurrence of the Senate.'

And he withdrew.

Another message from the House of Representatives by Mr. Prickett their clerk.

Mr. SPEAKER—I am directed to inform the Senate that the House of Representatives have concurred with them in the passage of a bill, entitled

‘An act to amend an act to license and regulate taverns.’

They have concurred with them in the passage of the bill, entitled

‘An act for the benefit of Bank Debtors,’ as amended by them, in which amendment they ask the concurrence of the Senate.

They have also concurred in the amendment of the Senate to the amendment of the House of Representatives, to the bill from the Senate, entitled

‘An act to locate a state road from Knoxville to New-Boston.’

And he withdrew.

Mr. Mather moved that the Senate refuse to recede from their vote of non-concurrence in the amendment of the House of Representatives to the bill from the Senate, entitled

‘An act regulating the times of holding the Supreme and Circuit Courts, and fixing the salary of the Circuit Judges,’ and that a committee of conference be appointed on said disagreeing vote;

Which was agreed to.

*Ordered*, that Messrs. Mather and Snyder, be the committee, on the part of the Senate, that the secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion,

The Senate adjourned until 2 o'clock.

Senate met pursuant to adjournment.

A message from the House of Representatives by Mr. Prickett, their clerk:

Mr. SPEAKER—I am directed to inform the Senate that the House of Representatives have passed a bill of the following title, viz:

‘An act for the purposes therein named;’ in the passage of which, they ask the concurrence of the Senate.

And he withdrew.

A message from the Governor by Mr. Bradley:

**MR. SPEAKER**—I am directed by the Governor to lay before the Senate a communication in writing.

And he withdrew.

On motion of Mr. Edwards,

Leave of absence was granted to Mr. Rattan for the remainder of the session.

Mr. Gatewood, from the select committee to which was referred the bill, entitled ‘An act relating to the sale of the Gallatin Saline lands,’ reported the same back to the Senate with an amendment, which was read and concurred in.

*Ordered*, That the bill, as amended, be engrossed for a third reading.

A message from the Council of Revision by Mr. Brown, their clerk:

**MR. SPEAKER**—The Council of Revision have approved bills of the following titles, viz:

‘An act providing for the security of the School funds;’

‘An act to establish a State road from Equality to McLeansboro,’

‘An act amending an act creating the county of Tazewell, and the several acts supplementary thereto;’

‘An act to amend an act, entitled an act to incorporate the Rushville and Beardstown road company;’

‘An act in addition to an act supplemental to an act, entitled an act to provide for raising a revenue;’

‘An act to view and lay out a State road from Brownsville by way of Pinckneyville to New Nashville, in Washington county;’

‘An act to locate a State road from Rushville to Monmouth;’

‘An act to incorporate the town of Lawrenceville;’

‘An act for the incorporation of Fire companies;’

‘An act to amend an act, entitled an act to incorporate the St. Clair turnpike road company, approved, Feb. 15th, 1833;’

‘An act to amend an act to incorporate the Wabash navigation company, approved, Jan. 13th, 1825;’

‘An act relative to a State road therein named;’

‘An act declaring the road from Mount Vernon to Fairfield a State road;’

‘An act to authorize the county commissioners of Edgar county to establish and re-locate a certain road therein mentioned;’

‘An act to authorize a special election in Sangamon county;’

'An act to extend for a limited time the Charter of the Bank of Illinois at Shawneetown;'

'An act to incorporate the subscribers to the Bank of Illinois; and

'An act to incorporate the Alton Hotel company;'

And he withdrew.

Mr. Thomas from the committee on Enrolled bills, reported as correctly enrolled, bills of the following titles: viz:

'An act to remove the seat of justice of Adams county;'

'An act for the relief of a person therein named;'

'An act declaring Spoon river a navigable stream;'

'An act concerning the 16th section in Equality township, Gallatin county;'

'An act to ascertain the county line between the counties of Morgan and Sangamon;'

'An act supplemental to an act to provide for the election of county Recorders and Surveyors;'

'An act to change a part of the State road leading from Vandalia to Golconda, and for other purposes;'

'An act to amend an act to license and regulate taverns;'

'An act to lay out a road from Blair's ferry to Frankfort, and for other purposes;'

'An act permanently to locate the seat of justice of Randolph county;'

'An act to establish the county seat of Rock Island county;'

'An act to amend an act concerning the trustees of Shawneetown;'

'An act to provide for the election of justices of the peace and constables therein named;'

'An act for the relief of John G. McDonald and others;'

'They also report that on this day they laid before the Council of Revision the above named bills.

Mr. Gatewood, from the select committee to which was referred the bill, entitled 'An act for the relief of the lessees of the Gallatin Saline,' reported the same back to the Senate without amendment.

*Ordered*, That the bill be engrossed for a third reading.

Mr. Stephenson, from the select committee to which was referred the bill, entitled 'An act to authorize the within named commissioners to lay out a State road from Galena to Beardstown on the Illinois river,' reported the same back to the Senate with an amendment, which was read: Whereupon,

Mr. Mather moved to amend the report of the committee

by striking out the names of Jesse B. Thomas and Ignatius Simms, which was agreed to.

The amendment, as amended, was then concurred in.

*Ordered*, That the bill, as amended, be engrossed for a third reading.

On motion,

The rules of the Senate were dispensed with, and the bill read the third time by its title, and passed.

On motion of Mr. Stephenson,

The title of said bill was amended so as to read, 'An act supplemental to an act, entitled an act to incorporate the subscribers to the Bank of the State of Illinois.'

*Ordered*, That the title of said bill be as amended—that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Ewing,

The resolution heretofore laid on the table relative to 'a National Convention, was taken up: Whereupon,

Mr. Ewing moved the adoption of the following, as a substitute for said resolution, viz:

'WHEREAS, the term of service of our illustrious Chief Magistrate will terminate on the 4th of March, 1837, and his splendid and glorious political career perhaps forever; and being the last of a long line of revolutionary patriots and statesmen, whose great public services and exalted merits constitute a title to the high office of which he is now the able and enlightened incumbent; and in favor of whom, and in whose measures, the judgment of the American people has twice been recorded with unexampled unanimity: and whereas public opinion has not, with satisfactory distinctness, indicated the individual from among the numerous statesmen of the nation, professing the same political doctrines, who shall be the successor of General Jackson, and believing a National Convention the only proper and legitimate mode of effecting a concentration and harmony of action among the friends and supporters of the policy of the present administration, upon suitable persons for the Presidency and Vice Presidency of the United States: Therefore,

*Resolved*, That it is expedient and proper for a national Convention to be composed of the friends of the present administration, to assemble at Baltimore or some other city, or place in the United States, at some suitable time, for the purposes expressed in the foregoing preamble.'

*Resolved*,—That the Hon. Messrs. Kane and Robinson, of the United States Senate, and Messrs. May, Reynolds and Casey, of the House of Representatives, be appointed delegates to represent the people of Illinois, in said Convention.

Mr. Snyder moved indefinitely to postpone the further consideration of said resolution, and proposed substitute; and the ayes and nays having been called for by Messrs. Ewing and Lane,

It was decided in the affirmative. Ayes, 12. Nays, 9.

Those who voted in the affirmative, are

Messrs. Bond, Davidson, Edwards, Hacker, Jones, Lane, Mather, Mills, Snyder, Thomas, Vance and Williams—12.

Those voting in the negative, are

Messrs. Craig, Ewing, McGahey, Maxwell, Mitchell, Noel, Stephenson, Taylor and Williamson—9.

A message from the House of Representatives, by Mr. Prickett, their clerk:

MR. SPEAKER:—I am directed to inform the Senate that the House of Representatives concur with them in the appointment of a committee of conference on the disagreeing vote of the two Houses, on the amendment of the House of Representatives, to the bill from the Senate, entitled

‘An act regulating the times of holding the Supreme and Circuit Courts, and fixing the salary of Circuit Judges,’ and have appointed Messrs. Elliott, Hughes and Nunnally, the committee on their part.

They have concurred with them in the passage of a bill, entitled

‘An act to provide for transcribing certain records therein named,’ as amended by them, in which amendment they ask the concurrence of the Senate.

And he withdrew.

Mr. Williams, from the select committee to which was referred the bill, entitled

‘An act supplemental to an act concerning the county of Fulton, approved, February 25th, 1833,’ reported the same back to the Senate without amendment.

*Ordered*, that the bill be read the third time.

On motion,

The rules of the Senate were dispensed with and the bill read the third time by its title and passed.

*Ordered*, that the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Ewing,

The Senate again resolved itself into a committee of the whole, on the bill from the House of Representatives, entitled

'An act making appropriations for the years 1835 and 1836.'

Mr. Davidson in the chair, and after some time spent therein, Mr. Speaker resumed the chair and Mr. Davidson reported, that the committee of the whole had, according to order, again had said bill under consideration, made some amendments thereto and directed him to ask the concurrence of the Senate therein,

Whereupon,

On motion of Mr. Hacker,

The said bill and report of the committee, were referred to the committee on Finance.

Mr. Speaker announced that the communication this afternoon received from the Governor, was on executive business;

Whereupon,

The doors were closed, and

On opening the doors

A message from the House of Representatives, by Mr. Scates, their assistant clerk:

MR. SPEAKER—The House of Representatives have concurred with the Senate in the passage of a bill, entitled

'An act supplementary to the act to incorporate the Jacksonville and Meredocia Rail Road Company.'

They have passed a bill, entitled

'An act supplemental to an act changing the county line between Franklin and Perry counties, and for other purposes,' in the passage of which they ask the concurrence of the Senate.

They have concurred with the Senate in the passage of a bill, entitled

'An act to amend an act for the organization and government of the Militia of this State, approved March 2d, 1833,' as amended by them, in which amendment they ask the concurrence of the Senate.'

And he withdrew.

On motion of Mr. Hacker,

The bill from the House of Representatives, entitled

'An act to amend the act, entitled

·An act for the relief of the poor, approved March 1st, 1833,  
which was heretofore laid on the table,

Was taken up and read the third time.

The question was then put, shall the bill pass? and the  
ayes and nays having been called for by Messrs. Thomas and  
Hacker,

It was decided in the affirmative. Ayes, 10. Nays, 6.

Those who voted in the affirmative, are

Messrs. Craig, Edwards, Hacker, McGahey, Maxwell,  
Mills, Noel, Stephenson, Vance and Williams—10.

Those voting in the negative, are

Messrs. Davidson, Ewing, Lane, Snyder, Thomas, and  
Williamson—6.

*Ordered*, that the title of said bill be as aforesaid, and that  
the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled

‘An act providing compensation for Grand and Petit Ju-  
rors,’

Was read the third time, as amended, and  
Passed.

On motion of Mr. Ewing,

The title of the bill was amended so as to read,

‘An act for the benefit of John Robb.’

*Ordered*, That the title of the said bill be as amended,  
that the secretary inform the House of Representatives there-  
of, and ask their concurrence therein.

A message from the House of Representatives by Mr. Prick-  
ett, their clerk:

Mr. SPEAKER—I am directed to inform the Senate that the  
House of Representatives have concurred with them in the  
passage of a bill, entitled

‘An act for the benefit of counties therein named,’ as amen-  
ded by them, in which amendments they ask the concurrence  
of the Senate.

They have adopted the following resolution, viz:

*Resolved by the House of Representatives*, (the Senate con-  
curring herein,) That both Houses of this General Assem-  
bly adjourn *sine die*, on Friday the 13th of February, 1835,  
at 11 o'clock, A. M.; in the adoption of which, they ask the  
concurrence of the Senate.

And he withdrew.

The amendments of the House of Representatives to the  
bill mentioned in said message, being under consideration,

On motion of Mr. Mather,

The Senate refused to concur with the House of Representatives in their amendment to said bill, so far as related to Randolph county.

The Senate also refused to concur with the House of Representatives in their amendment to said bill, making an appropriation to the county of Marion.

The third amendment of the House to said bill, was then concurred in.

*Ordered*, that the secretary inform the House of Representatives thereof.

On motion,

The Senate adjourned until half past 6 o'clock.

Senate met pursuant to adjournment:

Mr. Davidson, from the select committee to which was referred the bill, entitled

'An act concerning the Gallatin county saline reserve lands,' reported the same back to the Senate with an amendment.

Which was read and concurred in.

*Ordered*, That the bill as amended, be engrossed for a third reading.

Mr. Davidson, from the same select committee to which was referred the bill, entitled

'An act abolishing the office of superintendent of the Gallatin county saline, of commissioner for the sale of the Saline reserve lands, in the county of Gallatin, and of register and receiver of the Vermilion Saline lands, and for other purposes,' reported the same back to the Senate, without amendment, and recommended the rejection thereof.

The question was then put, shall the bill be read the third time ? and

Decided in the negative.

Mr. Davidson from the same select committee to which was referred the bill, entitled

'An act relating to the superintendent of the Gallatin county saline, and for other purposes,' reported the same back to the Senate without amendment.

*Ordered,* That the bill be engrossed for a third reading.

A message from the Council of Revision by Mr. Brown, their clerk:

MR. SPEAKER—The Council of Revision have approved bills of the following titles:

‘An act for the relief of a person therein named,’

‘An act declaring Spoon River a navigable stream,’

‘An act to establish the county seat of Rock Island County,’

‘An act to lay out a road from Blair’s ferry to Frankfort, and for other purposes,’

‘An act permanently to locate the seat of Justice of Randolph county.’

‘An act for the relief of John G. McDonald and others,’

‘An act to provide for the election of Justices of the Peace and Constables therein named,’

‘An act concerning the 16th section in Equality township, Gallatin county,’

‘An act to remove the seat of Justice of Adams county,’

‘An act to ascertain the county line between the counties of Morgan and Sangamon,’

‘An act to amend an act to license and regulate taverns,’

‘An act to amend an act concerning the trustees of Shawneetown,’

‘An act to change a part of the State road leading from Vandalia to Golconda, and for other purposes.’

And he withdrew.

The bill from the House of Representatives, entitled

‘An act altering the State road from Vincennes to St. Louis,’ was read the third time by its title.

Mr. Snyder moved to strike out the amendment to said bill.

And the question being put on said motion, and the ayes and nays having been called for by Messrs. Snyder and Noel,

It was decided in the negative. Ayes 10, Nays 11.

Those who voted in the affirmative are,

Messrs. Bond, Craig, Edwards, Hacker, Maxwell, Mitchell, Noel, Rattan, Snyder, and Williams. 10.

Those who voted in the negative are,

Messrs. Davidson, Ewing, Gatewood, Jones, Mather, Mills, Stephenson, Taylor, Thomas, Vance, and Whiteside—11.

On motion of Mr. Snyder,

The further consideration of the bill was then indefinitely postponed

On motion,

The rules of the Senate were dispensed with, and the bills, entitled

'An act relative to the residuum of the Vermilion saline lands,'

'An act relative to the sale of the Gallatin saline lands,' and  
 'An act for the relief of the Lessees of the Gallatin Salines,'  
 Were severally read the third time, and  
 Passed.

*Ordered*, that the titles of the bills be as aforesaid, that the secretary inform the House of Representatives thereof, and ask their concurrence therein.

The amendment of the House of Representatives to the bill from the Senate, entitled

'An act to amend an act prescribing the mode of summoning Grand and Petit Jurors and defining their qualifications and duties,'

Was then concurred in.

On motion of Mr. Mather,

The vote taken this day, on concurring with the House of Representatives in their amendments to the bill from the Senate, entitled

'An act for the benefit of the counties therein named,'

Was re-considered; Whereupon,

On motion of Mr. Mather,

The first amendment of the House to said bill was amended so as to allow the sum of \$300 to the county of Randolph, and \$100 to the county of Perry.

The second amendment of the House to said bill was also amended so as to allow the sum of \$300 to the county of Fayette, and \$100 to the county of Marion.

The amendments of the House to said bill as amended, were then concurred in.

*Ordered*, that the secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Thomas,

The resolution heretofore laid on the table relative to providing a room for the Attorney General, was taken up:—Whereupon,

Mr. Bond moved to amend the said resolution, by striking out all after the word 'resolved,' and insert 'by the Senate and House of Representatives, that hereafter the southern room, above stairs, in the State House, now occupied by the Secretary of the Senate, shall be set apart as an office for the

Attorney General of the State, except during the session of the legislature.'

Mr. Thomas moved the following as an additional resolution, viz:

'Resolved, That no part of the State House shall hereafter be occupied as a printing office.'

A division of the question having been called for,

The question was first put on the adoption of the first resolution as amended, and decided in the affirmative.

The additional resolution was then also adopted.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Williams,

The resolution from the House of Representatives 'relative to the meeting of the legislature on next December,' was taken up;

And the question being put, shall the said resolution be concurred in? and the Ayes and Nays having been called for by Messrs. Davidson and Bond,

It was decided in the affirmative. Ayes 10—Nays 9.

Those who voted in the affirmative, are

Messrs. Craig, Edwards, Ewing, Maxwell, Mitchell, Rattan, Stephenson, Taylor, Vance, and Williams—10.

Those voting in the negative, are

Messrs. Bond, Davidson, Hacker, Jones, Mather, Mills, Noel, Snyder, and Thomas—9.

Mr. Snyder, from the committee on Finance to which was referred the bill from the House of Representatives, entitled 'An act making appropriations for the years 1835 and 1836,' with the report of the committee of the Whole on said bill, reported the same back to the Senate with sundry amendments, which were read and concurred in.

Mr. Ewing moved further to amend said bill by adding the following, viz:

'That the sum of two thousand dollars be, and the same is hereby appropriated to the building of a fire proof office for the Auditor and Treasurer of State, the same to be applied and disbursed under the direction of the Auditor, Treasurer, Secretary of State, and Attorney General. Said office to be built upon the most substantial, secure, economical place.'

The question being put on concurring in said amendment, it was decided in the negative.

A message from the House of Representatives by Mr. Prickett, their clerk:

**Mr. SPEAKER**—I am directed to inform the Senate that the House of Representatives have concurred with them in their amendment to the bill from the House, entitled ‘An act providing compensation for Grand and Petit Jurors.’

They have also concurred with the Senate in the amendment of the title to said bill.

And he withdrew.

The amendment of the House of Representatives to the bill from the Senate, entitled ‘An act to locate a road from Golconda in Pope county, to Pinckneyville in Perry county,’ was then concurred in.

*Ordered*, That the Secretary inform the House of Representatives thereof.

Mr. Mather, from the committee of conference on the disagreeing votes of the two Houses, on the bill for ‘An act regulating the terms of holding the Supreme and Circuit Courts, and fixing the salary of the Circuit Judges,’ reported that said committee had agreed that the bill should be so amended as to allow the Circuit Judges seven hundred and fifty dollars per annum.

The report of the said committee was then concurred in.

*Ordered*, That the Secretary inform the House of Representatives thereof.

A message from the House of Representatives by Mr. Prickett, their clerk:

**Mr. SPEAKER**—I am directed to inform the Senate that the House of Representatives have concurred in the report of the committee of conference on the disagreeing vote of the two Houses on the amendment of the House of Representatives to the bill from the Senate, entitled ‘An act regulating the terms of holding the Supreme and Circuit Courts, and fixing the salary of the Circuit Judges.’

And he withdrew.

The question was then put on concurring with the House of Representatives in their amendment to the amendment of the Senate to the bill from the House of Representatives, entitled ‘An act to extend the jurisdiction of justices of the peace in certain cases therein named,’ and decided in the negative.

*Ordered*, That the Secretary inform the House of Representatives thereof.

The amendment of the House of Representatives to the bill from the Senate, entitled 'An act for the relief of Bank debtors,' was then concurred in.

*Ordered,* That the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled 'An act for the purposes therein named,' was read the first time, and

*Ordered* to a second reading.

On motion,

The rules of the Senate were dispensed with, and the bill read the second time by its title, and

On motion of Mr. Craig,

Amended by adding thereto the following, viz:

Also, to the county of Montgomery, the sum of two hundred dollars to be appropriated in said county, in the building of a bridge or bridges, under the direction of the county commissioners' court of said county.

Mr. Ewing moved further to amend said bill by adding the following, viz:

'To the county of Effingham the sum of one hundred dollars, to be disbursed under the direction of the county commissioners of said county,' which was not agreed to.

*Ordered,* That the bill, as amended, be read the third time.

On motion,

The rules of the Senate were further dispensed with, and the bill read the third time by its title, and passed.

*Ordered,* That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A message from the House of Representatives by Mr. Prickett, their clerk:

Mr. SPEAKER—I am directed to inform the Senate that the House of Representatives have adopted the following resolution, viz:

*Resolved by the Senate and House of Representatives,* That the Attorney General of this State be authorized to occupy the south room on the second floor of the State House as his office, and that said room be appropriated exclusively to that purpose;

In the adoption of which they ask the concurrence of the Senate.

And he withdrew.

The bill from the House of Representatives, entitled 'An act supplemental to an act changing the county line between Franklin and Perry counties, and for other purposes,' was read the first time, and

*Ordered* to a second reading.

On motion,

The rules of the Senate were dispensed with, and the bill read the second time by its title, and

On motion,

*Ordered* to a third reading.

The rules of the Senate were further dispensed with, and the bill read the third time by its title.

The question was then put, shall the bill pass?

And decided in the negative.

The question was then put on concurring with the House of Representatives in their amendments to the bill from the Senate, entitled 'An act to amend an act for the organization and government of the militia of this State, approved, March 2d, 1833,' and decided in the negative.

Mr. Ewing moved to lay the bill and amendments on the table until the 4th day of July, which was not agreed to.

The Senate then receded from their vote of non-concurrence in the amendment of the House of Representatives to the bill from the Senate, entitled 'An act establishing a State road therein named.'

The amendment of the House to said bill, was then concurred in.

*Ordered*, That the Secretary inform the House of Representatives thereof.

The bill from the Senate entitled 'An act for transcribing certain records therein named,' with the amendment of the House of Representatives thereto, was

On motion of Mr. Williams,

Laid on the table.

The resolution from the House of Representatives, relative to providing a room for the Attorney General, was

On motion of Mr. Mather,

Laid on the table.

The resolution from the House of Representatives relative to the adjournment of the General Assembly, was

On motion of Mr. Mather,

Amended by striking out the words 1 o'clock, A. M.

The resolution, as amended, was then concurred in.

*Ordered,* That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Thomas, from the committee on Enrolled bills, reported, as correctly enrolled, bills of the following titles, viz:

‘An act to locate a State road from Knoxville to New Boston;’

‘An act supplemental to an act concerning the county of Fulton, approved, Feb. 25th, 1833;’

‘An act to locate a State road from Frankfort in Franklin county, by way of Vienna in Johnson county, to the Ohio river;

‘An act concerning public officers;’

‘An act to amend an act to incorporate the town of Alton;’

‘An act supplementary to the act incorporating the Jacksonville and Meredocia rail road company,’ and

‘An act regulating the terms of holding the Supreme and Circuit Courts, and fixing the salary of the Circuit Judges.’

On motion,

The Senate again resolved itself into a committee of the Whole on the bill from the House of Representatives, entitled ‘An act making appropriations for the years 1835 and 1836,’ Mr. Stephenson in the chair, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Stephenson reported that the committee of the Whole had again according to order, had said bill under consideration, made sundry amendments thereto, and had directed him to ask the concurrence of the Senate therein: Whereupon,

On motion,

The Senate adjourned until to-morrow morning, 9 o'clock.

FRIDAY, February 13th, 1835.

Senate met pursuant to adjournment.

Mr. Thomas, from the committee on enrolled bills, reported that on this day they laid before the Council of Revision bills of the following titles, viz:

‘An act to amend an act to incorporate the town of Alton.’

‘An act supplemental to an act concerning the County of Fulton, approved Feb. 25th, 1833,’

An act regulating the terms of holding the Supreme and Circuit Courts, and fixing the Salary of the Circuit Judges,'

'An act to locate a state road from Frankfort, in Franklin county, by way of Vienna, in Johnson county, to the Ohio River,'

'An act concerning public officers,'

'An act to locate a state road from Knoxville to New-Boston,'

'An act supplementary to the act incorporating the Jacksonville and Meredocia Rail Road Company.'

A message from the House of Representatives by Mr. Prickett, their Clerk:

Mr. SPEAKER—I am directed to inform the Senate that the House of Representatives have concurred with them in their amendment to the bill from the House of Representatives, entitled

'An act giving Justices of the Peace jurisdiction in cases of Detinue and Replevin,' as amended by them—in which they ask the concurrence of the Senate.

They have also concurred in the amendment of the Senate to the amendment of the House of Representatives to the bill from the Senate, entitled

'An act for the benefit of the counties therein named, as amended by them, in which amendment they ask the concurrence of the Senate.'

And he withdrew.

Mr. Thomas, from the committee on enrolled bills, reported, as correctly enrolled, bills of the following titles, viz:

'An act to amend an act prescribing the mode of summoning Grand and Petit Jurors, and defining their qualifications and duties,'

'An act for the benefit of Bank Debtors,'

'An act to locate a road from Golconda, in Pope county, to Pinckneyville, in Perry county,'

'An act for the relief of John Robb.'

They also report that on this day they laid before the Council of Revision the above named bills.'

On motion of Mr. Williams,

The bill on yesterday laid on the table, entitled

'An act for transcribing certain records therein named,' with the amendment of the House of Representatives there to,

Was taken up, and

On motion of Mr. Williams,  
The amendments of the House to said bill was amended, by striking out the same and adding the following as an additional section, viz:

Sec. 8. The provisions of this act may be extended to all or any of the counties in the military tract, and the county commissioners' court of any or all of those counties, are hereby authorized and empowered to have the records of all deeds and title papers for lands situated in their respective counties, transcribed in the same manner and with the same effect, as is herein provided for Adams county.'

The amendment of the House as amended, was then concurred in.

*Ordered*, That the secretary inform the House of Representatives thereof, and ask their concurrence therein.

The report of the committee of the whole on the bill from the House of Representatives, entitled

'An act making appropriations for the years 1835 and 1836,' being under consideration,

Mr. Thomas moved to amend the said report by striking out the amendment relative to the salaries of the Auditor, Treasurer, and Secretary of State, which proposed to give the Auditor and Treasurer the sum of \$3400 each for the ensuing two years, and the Secretary of State the sum of \$2400, and insert in lieu thereof, 'to the Auditor and Treasurer, the sum of \$3000, and to the Secretary of State the sum of \$2000.'

A division of the question having been called for, the question was first put upon striking out, and the ayes and nays having been called for, by Messrs. Bond and Thomas,

It was decided in the negative. Ayes, 10. Nays, 11.

Those who voted in the affirmative, are

Messrs. Bond, Craig, Edwards, Gatewood, Lane, Mather, Snyder, Taylor, Thomas and Williams—10.

Those voting in the negative, are

Messrs. Davidson, Ewing, Hacker, Maxwell, Mills, Mitchell, Stephenson, Vance, Whiteside and Mr. Speaker, who gave the casting vote—11.

On motion of Mr. Williams,

The report was further amended by inserting, 'to William Flora, the sum of ten dollars;' and

On motion of Mr. Davidson, the bill was further amended,

by striking out \$400 for commissioner of saline lands. The amendments as amended were then concurred in, and

The bill read a third time, and

Passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A message from the House of Representatives by Mr. Prickett, their clerk:

Mr. SPEAKER—I am directed to inform the Senate that the House of Representatives have concurred with them in the passage of a bill, entitled ‘An act concerning the lessees of the Gallatin Saline.’

And he withdrew.

The bill from the House of Representatives, entitled ‘An act giving Justices of the Peace jurisdiction in cases of Detinue and Replevin,’ with the amendment of the House of Representatives to the amendment of the Senate to said bill, was

On motion of Mr. Mather,

Laid on the table.

The engrossed bill, entitled ‘An act relating to the superintendent of the Gallatin county Saline, and for other purposes,’ was read the third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid—that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The engrossed bill, entitled ‘An act concerning the Gallatin county Saline Reserve Lands,’ was read the third time, and passed.

On motion of Mr. Davidson,

The title of said bill was amended so as to read, ‘An act fixing the compensation of the commissioner for selling the Gallatin Saline lands.’

*Ordered*, That the title of the bill be as amended—that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion of Mr. Ewing, Mr. Hacker in the chair,

*Resolved, unanimously*, That the thanks of the Senate are due to the Hon. Alexander M. Jenkins for the able, dignified and impartial manner in which he has discharged the duties of the Chair during the present session of the General Assembly.

On motion of Mr. Williams,

The resolution heretofore laid on the table 'relative to the right of the Council of Revision to reject bills on any other than constitutional grounds,' was taken up.

Mr. Hacker moved to lay said resolution on the table; which was not agreed to.

Mr. Gatewood moved the previous question, which was not sustained.

The question being put on the adoption of said resolution, and the Ayes and Nays having been called for by Messrs. Mills and Thomas, it was decided in the negative. Ayes 6 —Nays 13.

Those voting in the affirmative, are

Messrs. Maxwell, Mitchell, Snyder, Stephenson, Taylor, and Williamson—6.

Those voting in the negative, are

Messrs. Craig, Davidson, Edwards, Ewing, Gatewood, Hacker, Lane, Mather, Mills, Noel, Thomas, Vance, and Williams—13.

A message from the Council of Revision by Mr. Brown, their clerk:

Mr. SPEAKER—The Council return the bill, entitled 'An act regulating the terms of holding the Supreme and Circuit Courts, and fixing the salary of the Circuit Judges,' as improper to become a law of this State; because, in the third Circuit, courts are required to be held in different counties on the same day. The Council respectfully recommend that the act be amended so as to correct the mistake.

JOSEPH DUNCAN,  
SAM'L. D. LOCKWOOD,  
T. W. SMITH,  
THOS. C. BROWNE.

And he withdrew.

On motion of Mr. Gatewood,

The bill mentioned in said message was then referred to a select committee.

*Ordered*, That Messrs. Gatewood, Hacker, and Bond, be the committee.

Mr. Hacker, from the said committee to whom was referred the bill just mentioned, reported the same back to the Senate with an amendment, which was read and concurred in.

*Ordered*, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

The amendment of the House of Representatives to the amendment of the Senate to the amendment of the House to the bill from the Senate, entitled 'An act for the benefit of the counties therein named,' was then concurred in.

*Ordered*, That the Secretaay inform the House of Representatives thereof.

Mr. Thomas, from the committee on Enrolled bills, reported, as correctly enrolled, bills of the following titles, viz:

'An act for the benefit of the counties therein named;'

'An act to establish a State road therein named;'

'An act concerning the lessees of the Gallatin Saline;'

They also report that on this day the said bills were laid before the Council of Revision.

A message from the House of Representatives by Mr. Prickett, their clerk:

Mr. SPEAKER—I am directed to inform the Senate that the House of Representatives have laid upon the table until the 4th day of July next, the bill from the Senate, entitled 'An act relating to the sale of the Gallatin Saline lands.'

They have concurred in the amendment of the Senate to the amendment of the House of Representatives to the bill from the Senate, entitled 'An act to provide for transcribing certain records therein named.'

They have concurred in the amendment of the Senate to the bill from the House of Representatives, entitled 'An act for the purposes therein named.'

They have receded from their amendments to the amendment of the Senate to the bill from the House of Representatives, entitled 'An act to extend the jurisdiction of Justices of the Peace in certain cases therein named.'

They have concurred with them in the passage of a bill, entitled 'An act relating to the superintendent of the Gallatin county Saline, and for other purposes.'

They have concurred with them in their amendment to the resolution relative to the adjournment of the General Assembly, *sine die*.

They have also concurred with them in their resolutions in relation to the Attorney General occupying the room in the State House, now occupied by the Secretary of the Senate, and also prohibiting any person hereafter from occupying the State House for a printing office.'

They have also concurred with the Senate in their amendment to the bill, entitled 'An act regulating the terms of hold-

ing the Supreme and Circuit Courts, and fixing the salary of the Circuit Judges,' to obviate the objections of the Council of Revision thereto.

And he withdrew.

Mr. Thomas, from the committee on enrolled bills, reported that the bill entitled "An act regulating the terms of holding the Supreme and Circuit Courts, and fixing the salaries of the Circuit Judges," with the amendment made thereto to obviate the objections of the Council of Revision, had been correctly enrolled, and the bill again laid before the council of Revision.

They also reported as correctly enrolled, bills of the following titles, viz:

"An act to provide for transcribing certain records therein named," and

"An act relating to the superintendent of the Gallatin county Saline, and for other purposes."

And that on this day they laid the said bills before the Council of Revision.

A message from the House of Representatives by Mr Prickett, their clerk.

Mr. SPEAKER—I am directed to inform the Senate that the House of Representatives do not concur in their first, second, third, fourth, eleventh, twelfth, sixteenth, seventeenth, and twenty-second amendments to the bill from the House of Representatives, entitled "An act making appropriations for the years 1835 and 1836," but do concur in their other amendments to said bill.

They ask for a committee of conference on the disagreeing vote of the two Houses on the amendments of the Senate to said bill; and have appointed Messrs. Dunn, Whiteside, and Wyatt, the committee on their part.

And he withdrew.

On motion of Mr. Ewing,

The Senate then acceded to the request of the House of Representatives, to appoint a committee of conference on the disagreeing vote of the two Houses in relation to said bill.

*Ordered*, that Messrs. Ewing and Taylor, be the committee on the part of the Senate, that the secretary inform the House of Representatives thereof.

A message from the Council of Revision by Mr. Brown, their clerk:

**MR. SPEAKER**—The Council of Revision have approved bills of the following titles, viz:

“An act to locate a State road from Frankfort, in Franklin county, by way of Vienna, in Johnson county, to the Ohio river.”

‘An act to locate a state road from Knoxville to New-Boston.’

‘An act to amend an act to incorporate the town of Alton.’

‘An act supplementary to an act concerning the county of Fulton, approved February 25th, 1833.’

‘An act supplementary to the act incorporating the Jacksonville and Meredocia Rail Road Company.’

‘An act concerning public offices.’

‘An act for the relief of John Robb.’

‘An act to amend an act prescribing the mode of summoning grand and petit jurors, and defining their qualifications and duties.’

‘An act for the relief of Bank debtors.’

‘An act to locate a road from Golconda, in Pope county, to Pinckneyville, in Perry county.’

‘An act supplementary to an act to provide for the election of County Recorders and Surveyors.’

And he withdrew.

**Mr. Thomas**, from the committee on enrolled bills, reported as correctly enrolled bills of the following titles, viz:

‘An act for the purposes therein named.’

‘An act to extend the jurisdiction of justices of the peace in certain cases therein named.’

And that the said bills were laid before the Council of Revision.

On motion of **Mr. Gatewood**,

Leave of absence was granted to **Mr. Mills** for the remainder of the session.

A message from the House of Representatives by **Mr. Prickett**, their clerk:

**MR. SPEAKER**—I am directed to inform the Senate that the House of Representatives have adopted the following resolution, viz:

*Resolved*, That a joint select committee be appointed by the Senate and House of Representatives, to wait upon the Governor and inform him that the two Houses are about to close their present session of the General Assembly, and enquire if he have any further communications to make to them.

And have appointed Messrs. Gregory, Whiteside and Nuttally, the committee on their part.

In which they ask the concurrence of the Senate.

And he withdrew.

The question was then put on concurring with the House of Representatives in the adoption of said resolution—and Decided in the affirmative.

*Ordered*, That Messrs. Mather and Gatewood be the committee on the part of the Senate, and that the secretary inform the House of Representatives thereof.

Mr. Mather, from the joint select committee appointed to wait upon the Governor, &c., reported that they had performed that duty, and received for answer that he had no further communication to make.

Mr. Stephenson proposed for adoption the following resolution:

*Resolved*, That, in the opinion of this Senate, the Governor, to comply with the law in relation to the Illinois and Michigan Canal, should have nominated an additional Canal Commissioner.

The question being put on the adoption of said resolution, and the ayes and nays having been called for by Messrs. —— and ——,

It was decided in the negative. Ayes, 8. Nays, 10.

Those who voted in the affirmative, are

Messrs. Bond, Ewing, Hacker, Maxwell, Mitchell, Noel, Stephenson, and Taylor—8.

Those voting in the negative, are

Messrs. Craig, Edwards, Gatewood, Jones, Lane, Mather, Snyder, Thomas, Vance and Williams—10.

On motion of Mr. Ewing,

*Ordered*, That the injunction of secrecy be removed from all the Executive proceedings, and the same be published in the journal.

Mr. Ewing, from the committee of conference on the disagreeing vote of the two Houses on the amendments of the Senate to the bill from the House, entitled 'An act making appropriations for the years 1835 and 1836, reported as follows:

'The committee recommend that the House recede from their vote of non-concurrence to the fourth, eleventh, twelfth, sixteenth, seventeenth, and twenty-second amendments of the Senate, and recommend a modification of the first, second,

and third amendments, so as to fix the appropriations for the payment of the salaries of the Auditor, at \$3200 for the years 1835 and 1836; Treasurer, \$3200, for the years 1835 and 1836; and to the Secretary of State, \$2200, for the years 1835 and 1836.'

The report of the said committee was then concurred in.

*Ordered*, That the Secretary inform the House of Representatives thereof.

On motion of Mr. Stephenson,

The bill from the House of Representatives, which was heretofore laid on the table, entitled 'An act for the relief of a person therein named,' with the amendment of the Senate thereto, was taken up; whereupon

The Senate receded from their amendment to said bill.

*Ordered*, That the Secretary inform the House of Representatives thereof.

A message from the House of Representatives by Mr. Prickett, their clerk:

Mr. SPEAKER—I am directed to inform the Senate that the House have concurred in the report of the committee of conference on the disagreeing vote of the two Houses on the amendments of the Senate to the bill from the House of Representatives, entitled 'An act making appropriations for the years 1835 and 1836.'

The House of Representatives have concurred with them in the passage of the bill from the Senate, entitled

'An act fixing the compensation of the commissioner for selling the Gallatin Saline land,' as amended by them.

They have also amended the title of said bill, so as to read, 'An act relative to the sale of the Gallatin Saline lands, and fixing the compensation of the commissioner for selling said lands.'

In which several amendments they ask the concurrence of the Senate.

And he withdrew.

The amendments of the House of Representatives to the last mentioned bill, were then concurred in.

*Ordered*, That the Secretary inform the House of Representatives thereof.

On motion of Mr. Lane,

The bill from the House of Representatives, entitled

'An act to change a part of the State road leading from E-

quality to Mount Vernon,' which was heretofore laid on the table, was taken up and passed.

*Ordered,* That the title of the bill be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Thomas, from the committee on enrolled bills, reported as correctly enrolled bills of the following titles, viz:

'An act making appropriations for the years 1835, and 1836.'

'An act for the relief of a person therein named.'

'An act to change a part of the State road leading from Equality to Mount Vernon.'

'An act to amend the act entitled an act for the relief of the poor, approved March 1st, 1833.'

'An act relating to the sale of the Gallatin Saline reserve.'

Also, that the said bills were laid before the Council of Revision.

On motion,

The Senate adjourned until 6 o'clock.

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Senate met pursuant to adjournment.

A message from the Council of Revision by Mr. Brown, their clerk:

MR. SPEAKER—The Council of Revision have approved bills of the following titles, viz:

'An act to establish a State road therein named,'

'An act concerning the Lessees of the Gallatin Saline,'

'An act relating to the superintendent of the Gallatin county saline, and for other purposes,'

'An act to provide for transcribing certain records therein named,'

'An act for the benefit of counties therein named,'

'An act regulating the terms of holding the Supreme and Circuit Courts, and fixing the salary of the Circuit Judges.'

'An act for the purposes therein named,'

'An act to extend the jurisdiction of justices of the peace in certain cases therein named,'

'An act to change a part of the State road leading from Equality to Mount Vernon.'

'An act for the relief of a person therein named.'

'An act to amend the act entitled an act for the relief of the poor, approved March 1st, 1833,'

'An act making appropriations for the years 1835 and 1836,'

'An act relating to the sale of the Gallatin saline lands,'

And he withdrew.

A message from the House of Representatives, by Mr. Prickett, their clerk:

MR. SPEAKER—I am directed to inform the Senate that the House of Representatives are now ready to adjourn *sine die*.

And he withdrew.

A message from the Governor by Mr. Field, Secretary of State:

MR. SPEAKER—I am directed by the Governor to lay before the Senate a written communication.

And he withdrew.

Whereupon,

Mr. Speaker announced that said communication was on Executive business; and thereupon

The doors were closed; and

On opening the doors,

On motion of Mr. Hacker,

*Resolved by the Senate*, That the Secretary inform the House of Representatives that the Senate have finished their legislative business, and are now ready to adjourn *sine die*.

The Secretary having informed the House that the Senate was ready to adjourn *sine die* in pursuance of said resolution,

On motion,

The honorable the Speaker adjourned the Senate *sine die*.

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FRIDAY, December 12, 1834.

Mr. Speaker laid before the Senate the following message from the Governor, viz:

EXECUTIVE DEPARTMENT, Vandalia, Dec. 11th, 1834.  
*To the Hon. Speaker of the Senate:*

SIR—I hereby nominate to the Senate, Justin Harlin, of Clark county, a State's Attorney for the fourth Judicial Circuit, in the place of Edwin B. Webb, elected a Representative from the county of White.

I have the honor to be your obedient servant,

JOSEPH DUNCAN.

Which was read; whereupon

Mr. Thomas moved that the Senate now advise and consent to the nomination of Justin Harlin as State's Attorney for the fourth Judicial Circuit.

Mr. M'Gahey moved to lay said resolution on the table.

Which was not agreed to; whereupon

The question recurring on the motion of Mr. Thomas,

It was decided in the affirmative.

Mr. Speaker laid before the Senate the following communication from the Governor, viz:

EXECUTIVE DEPARTMENT, Vandalia, Dec. 11th, 1834.  
*To the Speaker of the Senate:*

SIR—I hereby nominate to the Senate, Silvester W. Dunbar, for the office of Recorder for the county of Coles.

I have the honor to be, sir, your ob't. servant,

JOSEPH DUNCAN.

Which was read, and

On motion of Mr. Noel,

That the Senate do now advise and consent to the nomination of Silvester W. Dunbar for the office of Recorder in Coles county,

It was decided in the affirmative.

Mr. Speaker laid before the Senate the following message from the Governor, viz:

EXECUTIVE DEPARTMENT, Vandalia, Dec. 11th, 1834.

*Re Speaker of the Senate:*

I hereby nominate to the Senate, Hugh Newell, for the office of  
for the county of Iroquois.

With honor to be, sir, your obedient servant,

On mo.

Laid on ad, and

Mr. Vance,

JOSEPH DUNCAN.

TUESDAY, December 16th, 1834.

Mr. Speaker laid before the Senate the following communication from the Governor, viz:

EXECUTIVE DEPARTMENT,  
Vandalia, Dec. 16th, 1834.

*To the Senate of the State of Illinois:*

I nominate Alexander F. Grant, Esq., to be State's Attorney in the third Judicial Circuit, in the place of Henry Eddy, resigned.

I have the honor to be,  
Gentlemen, your ob't. serv't.

JOSEPH DUNCAN.

Which was read; whereupon,  
On motion of Mr. Mather,

That the Senate do now advise and consent to said nomination,

It was decided in the affirmative.

Mr. Speaker laid before the Senate the following communication from the Governor, viz:

EXECUTIVE DEPARTMENT,  
Vandalia, Dec. 11th, 1834.

*To the Hon. the Speaker of the Senate:*

SIR—I hereby nominate Robert G. White for Public Administrator of Bond county.

I have the honor to be, sir,  
Your obedient servant,

JOSEPH DUNCAN.

Which was read, and

On motion of Mr. Craig,

That the Senate do now advise and consent to said nomination,

It was decided in the affirmative.

SATURDAY, December 20, 1834.

Mr. Speaker laid before the Senate the following communication from the Governor, viz:

EXECUTIVE DEPARTMENT,  
Vandalia, Dec. 17th, 1834.

*To the Senate of the State of Illinois:*

I hereby nominate to the Senate, James Ratcliff, for Notary Public for the county of White.

I have the honor to be,  
Gentlemen, your ob't. serv't.

JOSEPH DUNCAN.

Which was read, and  
On motion of Mr. M'Gahey,  
Laid on the table.

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WEDNESDAY, January 7, 1835.

Mr. Speaker laid before the Senate the following communication from the Governor, viz:

EXECUTIVE DEPARTMENT,  
Vandalia, Jan. 7th, 1835.

*To the Hon. the Senate:*

I nominate to you Alexander Stewart, for Public Administrator of the county of Edwards.

I have the honor to be, gentlemen,  
Your ob't. serv't.

JOSEPH DUNCAN.

On motion of Mr. Mills,

The Senate then advised and consented to the nomination of Alexander Stewart, for Public Administrator of the county of Edwards.

WEDNESDAY, January 14, 1835.

Mr. Speaker laid before the Senate the following communications from the Governor, viz:

EXECUTIVE DEPARTMENT,  
Vandalia, Jan. 11th, 1835.

*To the Hon. the Senate:*

I nominate John Raum for Recorder for the county of Pope, in place of Charles Dunn, Esq., resigned.

I have the honor to be, gentlemen,  
Your ob't. serv't.

JOSEPH DUNCAN.

EXECUTIVE DEPARTMENT,  
Vandalia, Jan. 13th, 1835.

*To the Hon. the Senate:*

I nominate George Smith, Jonathan T. Hudson, and Jacob C. Bruner, for Inspectors of the Penitentiary.

I have the honor to be, gentlemen,  
Your ob't. serv't.

JOSEPH DUNCAN.

On motion of Mr. Whiteside,

The Senate then advised and consented to the nomination of John Raum, for County Recorder for Pope county: and

On motion of Mr. Edwards,

The second of said communications was laid on the table.

January 17th, 1835.

Mr. Speaker laid before the Senate the following communications from the Governor, viz:

EXECUTIVE DEPARTMENT,  
Vandalia, Jan. 16th, 1835.

*To the Hon. the Senate:*

I nominate Benjamin R. Austin for Public Administrator for Macon county.

I have the honor to be, gentlemen,  
Your ob't. serv't.

JOSEPH DUNCAN.

EXECUTIVE DEPARTMENT,  
*Vandalia, Jan. 16th, 1835.*

*To the Hon. the Senate:*

I nominate Harvey Clendenin, for Public Administrator for the county of Randolph.

I have the honor to be, gentlemen,  
 Your ob't. serv't.

JOSEPH DUNCAN.

The nominations made in said communications were then severally confirmed.

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*January 21st, 1835.*

Mr. Speaker laid before the Senate the following communications from the Governor, viz:

EXECUTIVE DEPARTMENT,  
*Vandalia, Jan. 19th, 1835.*

*To the Hon. the Senate of the State of Illinois:*

I hereby nominate to the Senate William A. Grimshaw as a suitable person to fill the office of Public Administrator of the county of Pike.

I have the honor to be your ob't. servant,

JOSEPH DUNCAN.

EXECUTIVE DEPARTMENT,  
*Vandalia, Jan. 19th, 1835.*

*To the Senate of Illinois:*

I hereby nominate to the Senate Joseph Gillespie, as a suitable person to fill the office of Notary Public for the county of Madison, vice Alexander Miller, deceased.

I have the honor to be your ob't. serv't.

JOSEPH DUNCAN.

On motion,

The said nominations were then severally confirmed.

The nominations of George Smith, Jonathan T. Hudson, and Jacob C. Bruner, for Inspectors of the Penitentiary, which were heretofore laid on the table, were taken up and severally confirmed.

*January 30th, 1835.*

Mr. Speaker laid before the Senate the following communication from the Governor, viz:

EXECUTIVE DEPARTMENT,  
*Vandalia, Jan. 26th, 1835.*

*To the Hon. the Senate:*

I nominate Charles W. Billington, Notary Public for Adams county.

I have the honor to be, gentlemen,  
Your most ob't. serv't.

JOSEPH DUNCAN.

Which was read; whereupon,  
On motion of Mr. Williams,

The Senate then advised and consented to the said nomination.

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*February 6, 1835.*

Mr. Speaker laid before the Senate the following communications from the Governor, viz:

EXECUTIVE DEPARTMENT,  
*Vandalia, Feb. 5th, 1835.*

*To the Hon. the Senate:*

Gentlemen—I nominate Charles R. Bennett for Recorder for Jo Daviess county.

I have the honor to be, gentlemen,  
Your ob't. serv't.

JOSEPH DUNCAN.

EXECUTIVE DEPARTMENT,  
*Vandalia, Feb. 5th, 1835.*

*To the Hon. the Senate:*

Gentlemen—I nominate Thompson R. Webber Recorder for Champaigne county.

I have the honor to be, gentlemen,  
Your ob't. serv't.

JOSEPH DUNCAN.

EXECUTIVE DEPARTMENT,  
*Vandalia, Feb. 5th, 1835.*

*To the Hon. the Senate:*

Gentlemen—I nominate Parmenus Bond for Recorder for Clinton county.

I have the honor to be,

Gentlemen, your ob't. serv't.

JOSEPH DUNCAN.

The said communications were read, and

On motion,

The nominations therein made were severally confirmed.

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*February 11th, 1835.*

Mr. Speaker laid before the Senate the following communications from the Governor, viz:

EXECUTIVE DEPARTMENT,  
*Vandalia, Feb. 10th, 1835.*

*To the Hon. the Senate:*

Gentlemen—I nominate Campbell Gilmer, Notary Public for Johnson county; T. R. Webber, Notary Public for Champaigne county; James Hughes, Notary Public for Randolph county; William Mitchell, Notary Public for Peoria county. Also, Daniel Boatwright, Public Administrator for Crawford county; George Hodge, Public Administrator for Pope county; and George W. Snow, Public Administrator for Cook county.

I have the honor to be,

Your obedient servant,

JOSEPH DUNCAN.

EXECUTIVE DEPARTMENT,  
*Vandalia, Feb. 10th, 1835.*

*To the Hon. the Senate:*

Gentlemen—I nominate Daniel B. Bush, Notary Public for Pike county, in place of Leonard Ross, resigned.

I have the honor to be, gentlemen,

Your ob't. serv't.

JOSEPH DUNCAN.

EXECUTIVE DEPARTMENT,  
Vandalia, Feb. 10th, 1835.

*To the Hon. the Senate:*

Gentlemen—I nominate John D. Woods, Recorder for Washington county.

I have the honor to be,  
Your ob't. serv't.

JOSEPH DUNCAN.

The said communications having been read—

On motion,

The nominations therein made were severally confirmed.

On motion of Mr. Vance,

The nomination of Hugh Newell, for the office of Recorder for the county of Iroquois, which was heretofore laid on the table, was taken up and confirmed.

February 12th, 1835.

Mr. Speaker laid before the Senate the following communication from the Governor, viz:

EXECUTIVE DEPARTMENT,  
Vandalia, Feb. 12, 1835.

*To the Hon. the Senate:*

I nominate Edward Coles President of the Board of Canal Commissioners, William B. Archer Acting Commissioner, John J. Hardin Commissioner and Treasurer, Gurdon S. Hubbard Commissioner, Joel Manning do.

I have the honor to be, gentlemen, y'r. ob't. serv't.

JOSEPH DUNCAN.

Said communication having been read—

And the question being first put, will the Senate advise and consent to the nomination of Edward Coles for President of the Board of Canal Commissioners?

And the Ayes and Nays having been called for by Messrs. Mather and Hacker,

It was decided in the affirmative—Ayes 14, Nays 8.

Those who voted in the affirmative, are  
Messrs. Davidson, Edwards, Ewing, Jones, M'Gahey, Ma-

ther, Maxwell, Mills, Mitchell, Taylor, Thomas, Vance, Williams, and Williamson—14.

Those who voted in the negative, are

Messrs. Bond, Craig, Hacker, Lane, Noel, Snyder, Stephenson, and Whiteside—8.

The question was then put on confirming the nomination of William B. Archer for Acting Commissioner,

And decided in the affirmative—Ayes 21, Nays 1.

Those who voted in the affirmative, are

Messrs. Bond, Craig, Davidson, Edwards, Ewing, Hacker, Jones, Lane, M'Gahey, Mather, Maxwell, Mills, Mitchell, Noel, Stephenson, Taylor, Thomas, Vance, Whiteside, Williams, and Williamson—21.

Mr. Snyder voted in the negative—1.

On motion of Mr. Ewing,

The nomination of John J. Hardin, for Commissioner and Treasurer, was laid on the table.

The question was then put on confirming the nomination of Joel Manning for Canal Commissioner,

And decided in the affirmative—Ayes 21, Nays 1.

Those who voted in the affirmative, are

Messrs. Bond, Craig, Davidson, Edwards, Ewing, Hacker, Jones, M'Gahey, Mather, Maxwell, Mills, Mitchell, Noel, Snyder, Stephenson, Taylor, Thomas, Vance, Whiteside, Williams, and Williamson—21.

Mr. Lane voted in the negative—1.

The question was then put on confirming the nomination of Gurdon S. Hubbard, for Canal Commissioner,

And decided in the affirmative—Ayes 19, Nays 3.

Those who voted in the affirmative, are

Messrs. Craig, Davidson, Edwards, Ewing, Hacker, Jones, M'Gahey, Mather, Maxwell, Mills, Mitchell, Noel, Stephenson, Taylor, Thomas, Vance, Whiteside, Williams, and Williamson—19.

Those voting in the negative, are

Messrs. Bond, Lane, and Snyder—3.

On motion of Mr. Hacker,

The nomination of John J. Hardin, for Canal Commissioner and Treasurer, was then taken up, and

The question being put on confirming said nomination—

It was decided in the negative—Ayes 11, Nays 12.

Those who voted in the affirmative, are

Messrs. Bond, Davidson, Edwards, Ewing, Jones, Mather, Mills, Thomas, Vance, Williams, and Williamson—11.

Those voting in the negative, are

Messrs. Craig, Hacker, Lane, M'Gahey, Maxwell, Mitchell, Noel, Snyder, Stephenson, Taylor, Whiteside, and Mr. Speaker, who gave the casting vote—12.

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*February 13th, 1835.*

Mr. Speaker laid before the Senate the following communication from the Governor, viz:

EXECUTIVE DEPARTMENT,

*February 13th, 1835.*

*To the Hon. the Senate:*

I nominate William Linn to be Canal Commissioner and Treasurer.

JOSEPH DUNCAN.

Said communication having been read, and

The question beeing put, Will the Senate advise and consent to said nomination?

And the ayes and nays having been called for by Messrs. Bond and Hacker—

It was decided in the affirmative—Ayes 10, Nays 9.

Those who voted in the affirmative, are

Messrs. Davidson, Ewing, Lane, Maxwell, Mitchell, Noel, Stephenson, Taylor, Vance, and Whiteside—10.

Those voting in the negative, are

Messrs. Bond, Craig, Edwards, C. wood, Hacker, Mather, Snyder, Thomas, and Williams—9.

LEONARD WHITE,  
*Secretary.*

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